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By the same Author

IRELAND UNDER THE TUDORS

Vols. I. and II.—From the First Invasion of the
Northmen to the year 1578.

8vo. 32s.

Vol. III.—1578-1603. 8vo. 18s.

LONGMANS, GREEN, & CO.
London, New York, Bombay, and Calcutta

IRELAND
UNDER THE STUARTS
AND
DURING THE INTERREGNUM

BY
RICHARD BAGWELL, M.A.
AUTHOR OF 'IRELAND UNDER THE TUDORS'

VOL. I. 1603-1642

WITH MAP

LONGMANS, GREEN, AND CO.

39 PATERNOSTER ROW, LONDON
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PREFACE

THESE volumes have been written at such times and seasons as could be made available during an active life in Ireland, and this may induce critics to take a merciful view of their many shortcomings. I have been diligent, but there is still much extant manuscript material which I have been unable to use. Ireland is the land of violent and persistent party feeling, and no party will be pleased with the present work, for I hold with an ancient critic that the true function of history is to bring out the facts and not to maintain a thesis. If I am spared to finish the third volume, it will bring the narrative down to the Revolution, and will contain chapters on the Church or Churches and on the social state of Ireland.

The dates of all documents relied on have been given, and unless it is otherwise stated they are among the Irish State Papers calendared from 1603 to 1660. Many papers, chiefly, but not exclusively, from the Carte manuscripts, were printed by Sir J. T. Gilbert in the 'Contemporary History of Affairs in Ireland,' or in the 'History of the Confederation and War in Ireland.' As these collections are more generally accessible than the Bodleian Library, I have referred to them as far as they go. The 'Aphorismical Discovery,' which forms the nucleus of the first, is cited under that title, and the narrative of Bellings in the second under his name. The original Carte papers at Oxford have been often consulted, as well as the transcripts in the Public Record Office, while the manuscripts in the British Museum and in

Trinity College, Dublin, have not been neglected. In the case of old tracts and newsletters, of which I have read a great many, dates and titles are given.

The late Lord Fitzwilliam did not consider it consistent with his duty to let Dr. Gardiner see the Strafford correspondence preserved at Wentworth Woodhouse, and my application to his successor has also been refused. No restriction seems to have been imposed on the editors of Laud's works, of which the last instalment was published as late as 1860. All the Archbishop's letters are printed, Strafford's being omitted only because they would have taken too much room. In 1739 Dr. William Knowler, working under Lord Malton's directions, published the well-known Strafford Letters, and Mr. Firth has thrown fresh light upon them by printing some of the editor's correspondence in the ninth volume of the 'Camden Miscellany.' 'There is,' Knowler wrote, 'four or five times the number of letters uncopied for one transcribed, and yet I believe those that shall glean them over again won't find many things material omitted.' Yet Laud's editors thought it worth while to publish a good deal of what had been left out, and probably there is still something to be done.

I have made some examination of the famous depositions in Trinity College, Dublin, concerning the rebellion of 1641, but it is unnecessary to repeat Miss Hickson's arguments, which appear to me conclusive. The documents may be pronounced genuine in the sense that they really are what they profess to be, but they are all more or less *ex parte* statements, and the witnesses were not cross-examined. Deductions may be made on these grounds, especially in the case of numerical estimates, but there is a vast mass of other evidence as to the main facts. The matter is discussed pretty fully in Chapter XX.

It is unnecessary to describe here the various contemporary histories and memoirs referred to in the text and

notes. Sir Richard Cox's 'Hibernia Anglicana' should be used with caution. Cox was a strong partisan, but he was not a liar, and he wrote at a time when there were still living witnesses.

The maps at the beginning of each volume are intended as helps to the reader, and make no pretension to completeness. Fuller details as to the various colonies or plantations may be found in Mr. Dunlop's map, No. 31 in the Oxford Historical Atlas. As to the short-lived Cromwellian settlement much may be learned from the map in Gardiner's 'Commonwealth and Protectorate,' iii. 312, and from that in Lord Fitzmaurice's 'Life of Petty.' The more lasting arrangements made after 1660 will be the subject of full discussion in my third volume. The innumerable sieges, battles and skirmishes from 1641 to 1653 may be traced in any large map of Ireland, and cannot be shown in a small one. The state of affairs at the critical moment of the first truce in 1643 is illustrated by the map in Gardiner's 'Great Civil War,' i. 264.

My best thanks are due to Mrs. Shirley for lending me fourteen volumes of tracts concerning the rebellion from the library at Lough Fea. They have been very useful.

I received some valuable hints from my friend, the late C. Litton Falkiner, whose untimely death is a loss to Ireland.

MARLFIELD, CLONMEL :
December 26, 1908.

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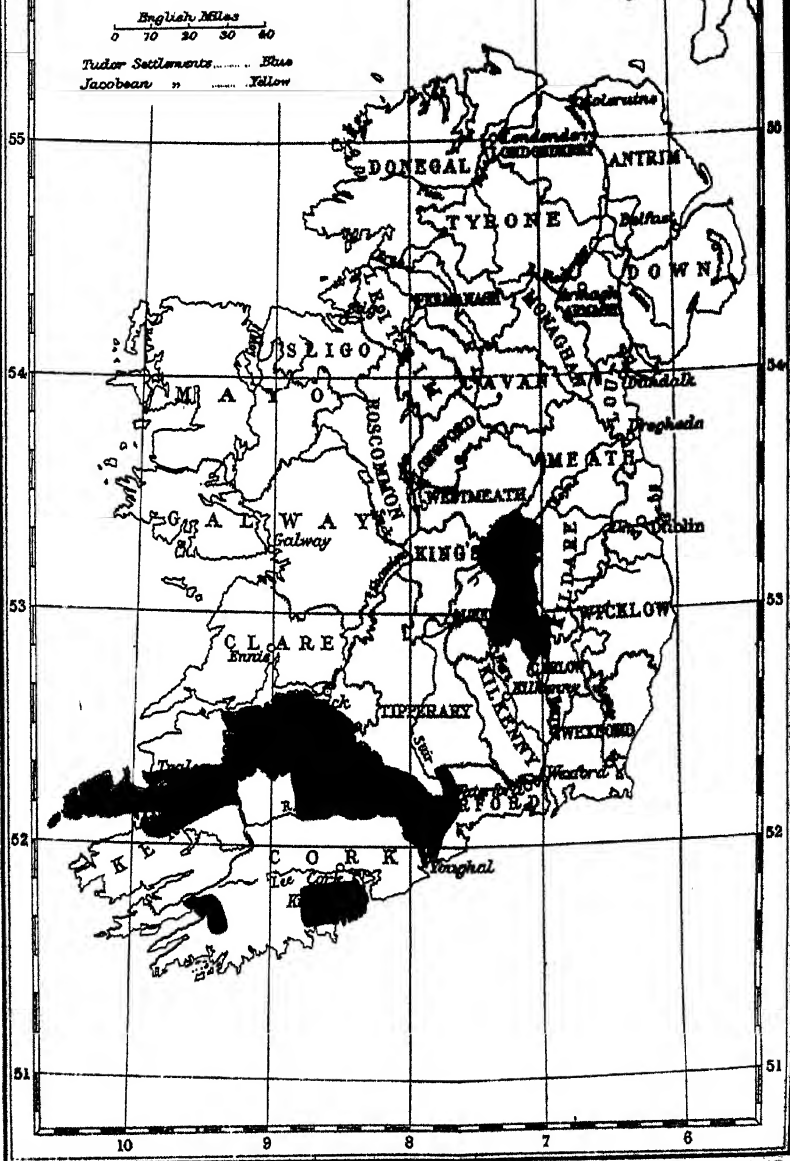
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MAP

Ireland in 1625, to illustrate colonization projects to face p. 1

English Miles
0 10 20 30 40

Tudor Settlements Blue
Jacobean " Yellow



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IRELAND UNDER THE STUARTS

CHAPTER I

MOUNTJOY AND CAREY, 1603-1605

CHAP. I.

Accession
of James.
The new
era.

THE change from Elizabeth to James I. marks the transition from an heroic age to one very much the reverse. The new court was scandalous, and after the younger Cecil's death public affairs were administered by a smaller race of men, not one of whom gained the love or admiration of his countrymen. Raleigh, the typical Elizabethan, spent thirteen years in the Tower, and died on the scaffold. But outside the sphere of politics the first Stuart reign must be regarded with interest, for it saw the production of Shakespeare's finest plays and of Bacon's chief works. Meanwhile England had peace, and silently prepared for the great struggle. Eliot and Pym, Wentworth and Cromwell, were all young men, and Milton was born some three years before Prospero drowned his book. The great Queen died at Richmond very early on March 24. By nine o'clock Sir Robert Carey was spurring northwards with the news, and King James was proclaimed in London the same morning. It was not until the next day that Cecil found time to send Sir Henry Danvers to Ireland, but the news had preceded the official messenger by a full week, so that Mountjoy was quite prepared. Danvers landed at Dublin on April 5, and within an hour after the delivery of his letters King James was duly proclaimed. Oddly enough, Tyrone, who had reached Dublin the day before, was the only peer of Ireland present, and he signed the proclamation which was circulated in the country. Three

CHAP. I. days later he made submission on his knees to the new sovereign, 'solemnly swearing upon a book to perform every part thereof, as much as lay in his power; and if he could not perform any part thereof he vowed to put his body into the King's hands, to be disposed at his pleasure.' The earl's submission was ample in substance, and humble enough in form; but Sir William Godolphin, who had brought him to Dublin, warned the English Government that he would not remain a good subject unless he were treated reasonably.¹

Submis-
sion of
Tyrone.

Excite-
ment about
the King's
religion.

Agitation
in the
towns.

Neither his relations with his own mother nor with Queen Elizabeth had given any reason to suppose that the new king was attached to the religion of Rome. Tyrone had offered his services to James years before, and was told that he would be reminded of this when it should please God 'to call our sister the Queen of England to death.' After his raid in Munster Tyrone wrote in rather a triumphant strain, but still obsequiously, to the King of Scots. This did not prevent James from offering his help to Elizabeth when the Spaniards took Kinsale, for which she thanked him. A rumour that his Majesty was a Catholic was nevertheless widely circulated in Ireland, and caused a strange ferment in the corporate towns. Much stress was also laid upon his descent from ancient Irish kings. During the Queen's later years mass had been freely celebrated in private houses, and a strong effort was now generally made to celebrate it publicly in the churches. Jesuits, seminaries, and friars, says the chronicler Farmer, 'now came abroad in open show, bringing forth old rotten stocks and stones of images, &c.' The agitation was strong in Kilkenny, Thomastown, Waterford, Limerick, Cork, and in the smaller Munster towns; and even Drogheda, 'which since the conquest was never spotted

¹ Lord Deputy and Council to the Privy Council, April 6; Tyrone to Cecil, April 7; submission of Tyrone, April 8; Godolphin to Carew, April 19. Farmer's chronicle of this reign begins at p. 40 of *MS. Harl.* 3544 with a panegyric on 'Elizabeth the virgin Queen and flower of Christendom that hath been feared for love and honoured for virtue, beloved of her subjects and feared of her enemies, magnified among princes and famozed through the world for justice and equity.' Since these chapters were written Farmer's book has been printed by Mr. Litton Falkiner in vol. xxii. of the *English Historical Review*.

with the least jot of disloyalty,' did not altogether escape the contagion. In the latter town a chapel had long been connived at, but the municipal officers firmly repressed the agitation and even committed a man who had ventured to express a hope of open toleration. Mountjoy declared himself satisfied, but a note in his hand shows that he was still suspicious. Probably he thought it wiser not to have north and south upon his hands at the same time.¹

On the evening of March 26, Carey reached Holyrood with the news of Queen Elizabeth's death, and on the 28th Mountjoy was appointed Lord Deputy by Privy Seal. Before this was known in Ireland the Council there had elected him Lord Justice according to ancient precedent; so that practically there was no interregnum. Ulster was now almost quiet, and the Viceroy could draw enough troops from thence to make any resistance by the corporate towns quite hopeless. On April 27 he marched southwards with about 1,200 foot, of whom one-third were Irish, and 200 horse. At Leighlin he was joined by Ormonde, who had been opposed by the Kilkenny people acting under the advice of Dr. James White of Waterford, a Jesuit, and of a Dominican friar named Edmund Barry, who was said to be James Fitzmaurice's son. Ormonde was accompanied by Sir Richard Shee, the sovereign, who was an adherent of his, and Mountjoy was easily induced to pardon the townsmen upon their making humble submission. Dr. White was vicar-apostolic in Waterford, and his authority seems to have been recognised in Ossory also, there being at this time no papal bishop in either diocese. He forbade the people to hear mass privately, and enjoined them to celebrate it openly in the churches, some of which he

Disturbances at Kilkenny and Thomas-town.

¹ In *Cambrensis Eversus*, published in 1662, John Lynch says 'the Irish no longer wished to resist James (especially as they believed that he would embrace the Catholic religion), and submitted not unwillingly to his rule, as to one whom they knew to be of Irish royal blood,' iii. 53. Lynch was a priest in 1622. Stephen Duff, Mayor of Drogheda, to the Lord Deputy and Council, April 13; Mountjoy to Cecil, April 19, 25 and 26; Francis Bryan, sovereign of Wexford, to Mountjoy, April 23. James VI. to Tyrone, December 22, 1597, in *Lansdowne MSS.* lxxxiv. Tyrone to James VI., April 1600 in the Elizabethan S.P. *Scotland. Letters of Elizabeth and James*, Camden Society, p. 141. *Farmer's Chronicle*.

CHAP. I.

Kilkenny
and other
towns
submit.

reconsecrated. Barry went so far as to head a mob in attacking the suppressed convent of his order, which was used as a sessions-house. The benches and fittings were broken up, and the conqueror said mass in the desecrated church. This friar came to Mountjoy, said that he had believed himself to be acting in a way agreeable to the King, and promised to offend no further now that his Majesty's pleasure to the contrary was known. The Lord Deputy did not enter Kilkenny, but went straight to Thomastown, which had behaved in the same way. The town being small and penitent, it was thought punishment enough that the army should halt there for the night. Wexford had already fully submitted by letter, and Mountjoy marched from Thomastown to within four miles of Waterford, and there he encamped on the fourth day after leaving Dublin.¹

Mountjoy
at Water-
ford.

The Suir at Waterford was unbridged until 1794, and the citizens doubtless thought that Mountjoy would be long delayed upon the left bank. But Ormonde, who had proclaimed King James at Carrick some weeks before, now brought enough boats from that place to carry over the whole army. Mountjoy encamped at Gracedieu, about a mile and a half above the city. There could now be no question of resistance, but some of the citizens came out and pleaded that by King John's charter they were not obliged to admit either English rebel or Irish enemy, though they would receive the Deputy and his suite. As against a viceroy this argument was in truth ridiculous, and the Lord Deputy had only to say that his was the army which had suppressed both rebels and enemies. If resistance were offered he would cut King John's charter with King James's sword. It was then urged that the mayor had no force to restrain the mob unless the popular leaders could be gained over. Mountjoy consented to see Dr. White—who had just preached a sermon at St. Patrick's, in which he called Queen Elizabeth Jezebel—and a Dominican friar who had acted with him. Sir Nicholas

Odium
theologi-
cum

¹ Muster of the army, April 27; Lord Deputy and Council to the Privy Council, Mountjoy to Cecil, and Sir G. Carey to Cecil, May 4; Humphrey May to Cecil, May 5.

Walsh the recorder had been pulled down from the market-cross when he attempted to proclaim King James, and Sir Richard Aylward, who was a Protestant, had escaped with difficulty, some citizens expressing regret that they had not both lost their heads. Walsh thought he owed his preservation more to having relations among the crowd than to any dregs of loyal compunction. The Jesuit and the Dominican now came to the camp in full canonicals and with a cross borne before them, which Mountjoy at once ordered to be lowered. White fell on his knees, protesting his loyalty and acknowledging the King's right. A discussion arose as to the lawfulness of resistance to the royal authority, and the book learning which Essex had made a reproach to Mountjoy now stood him in good stead. According to one not very probable account, the Lord Deputy had a copy of St. Augustine in his tent, and convicted White of misquoting that great authority. 'My master,' he said, 'is by right of descent an absolute King, subject to no prince or power upon the earth; and if it be lawful for his subjects upon any cause to raise arms against him, and deprive him of his regal authority, he is not then an absolute King, but hath only *precarium imperium*. This is our opinion of the Church of England, and in this point many of your own great doctors agree with us.' James was of course no absolute king in our sense of the word, for he had no power to impose taxes; but the long reign of Elizabeth, the wisdom which had on the whole distinguished her, and the terrible dangers from which she saved England, had taught men to look upon the sceptre as the only protection against anarchy or foreign rule. Experience of Stuart kingcraft was destined to modify public opinion.¹

An
absolute
monarch.

White was allowed to return to Waterford, being plainly told that he would be proclaimed a traitor unless he pronounced it unlawful for subjects to resist their sovereign. The prospect of being hanged by martial law quickened his theological perceptions, and he came back after nightfall with the required declaration. Lord Power also came to make peace for the townsmen, and Mountjoy promised to intercede

Submis-
sion of
Waterford.

¹ Authorities last quoted; also Smith's *Waterford*.

CHAP. I. for them with the King. Next morning the gates were occupied, at one of which the acting mayor surrendered the keys and the civic sword. The latter was restored to the corporation, but the keys were handed to the provost-martial. Sir Richard Aylward was brought back in triumph, bearing the King's sword before the Viceroy, who grimly remarked that he would leave a garrison of 150 men in one of the gate-towers so that the mob might not again prove too strong for the mayor. An oath of allegiance was generally taken even by the priests, but White and two other Jesuits seem to have avoided putting their names to it. Mountjoy notes with just pride that his soldiers, drawn out of the hungry north and excited by the hope of plunder, did not do one pennyworth of mischief in the city, though provisions were exorbitantly dear. The place was at their mercy all day, but the whole force, except the 150 men, evacuated it in perfect order before nightfall.¹

Religious
differences
in the Pale
and else-
where.

The Irish Catholics were at this time more or less persecuted, and toleration is so excellent a thing that the historical conscience is likely to be in favour of those who claimed it. But in the then state of Ireland it is doubtful whether the public exercise of both religions was possible. The sovereign of Wexford said his fellow townsmen would have been satisfied with the use of one church without any meddling with tithes or other property of the Establishment. But the ultramontane priests, though they might have provisionally accepted this in some large towns, aimed at complete supremacy, and they were the real popular guides. Mr. Pillsworth, the parson of Naas, when he saw the people flocking to high mass, fled to Dublin and thence to England. He may have been a timid man, but his terror was not altogether unfounded. At Navan, another clergyman named Sotherne, accompanied by several gentlemen, saw two friars in the dress of their order and began to question them in the King's name. 'James, King of Scotland,' said the elder of the two in Latin, 'is a heretic; may he perish with thee and with all who have authority under him.' Sotherne charged him with high

¹ Authorities last quoted; also Hogan's *Hibernia Ignatiana*, p. 121.

treason, but the constable was foiled by the mob who gathered round him. 'Thy companions,' said the friar, 'are no Christians since they suffer thee among them,' and he repeated this several times in Irish for the benefit of the bystanders. A Mr. Wafer, who said he had known the friar for twenty years, and that he was an honest man, rebuked Sotherne as a 'busy companion,' and pointedly observed that he would get no witnesses to support his charge of treason. As some of the crowd seemed bent on violence, Sotherne bade the constable do nothing for this time, and so returned to his lodging. He remonstrated afterwards with Wafer, who said that he 'thought no less, but I would grow a promoter, and that was cousin-german to a knave; wishing his curse upon all those that would assist in apprehending either friar or priest.' And popular opinion was entirely on Mr. Wafer's side.¹

But perhaps the best testimony is that of two Irish Jesuits, writing to their own general, and not intending that profane eyes should ever see what they had written:—'From our country we learn for certain that the Queen of England's death being known in Waterford, Cork, and Clonmel, principal towns of the kingdom, the ministers' books were burned and the ministers themselves hunted away, and that thereupon masses and processions were celebrated as frequently and upon as grand a scale as in Rome herself. The Viceroy did not like this, and sent soldiers to garrison those towns, as he supposed, but the beauty of it is that those very soldiers vied with each other in attending masses and Catholic sermons. In the metropolitan city of Cashel, to which we belong, there was one solitary English heretic, and, on the news of the Queen's death being received, they threatened him with fire and every other torment if he would not be converted. Fearing to be well scorched he made himself a Catholic, whereupon the townsmen burned his house, so that even a heretic's house should not remain in their city. But when the Viceroy came near enough to threaten Cashel, and the

A Jesuit
report on
Ireland.

¹ Hogan's *Hibernia Ignatiana*, p. 118; Declaration of Edward Sotherne, June 16.

CHAP. I. Englishmen came forward to accuse the townsmen, he merely ordered them to rebuild the house at their own expense. . . . I only beg your Paternity to show this letter to the most illustrious and most reverend Primate of Armagh (Peter Lombard), and to excuse me for not having written to him specially because I am unwilling to multiply letters in these dangerous times.' ¹

Insurrec-
tionary
movement
at Cork.

The mere approach of Mountjoy was enough to overawe Cashel, Clonmel, and the other inland towns. Limerick was bridled by the castle, and the disorders there did not come to much. But at Cork things took a much more serious turn. When leaving Ireland Carew had left his presidential authority in the hands of Commissioners, of whom Sir Charles Wilmot was the chief. The corporation of Cork now declared that the Commissioners' authority ceased on the demise of the Crown, and that they were sovereign within their own liberties. Captain Robert Morgan arrived at Cork on April 11 with a copy of the proclamation and orders for the Commissioners from Mountjoy. Wilmot was in Kerry stamping out the embers of Lord Fitzmaurice's insurrection, and Sir George Thornton, who was next in rank, called upon the civic authorities to proclaim King James. Thomas Sarsfield was mayor, and he might have obeyed but for the advice of William Meade, the recorder, who defied Thornton to exercise any authority within the city, reminding him that too great alacrity in proclaiming Perkin Warbeck had brought great evils upon the kingdom. Being rebuked by Boyle for breaking out into violent language, he replied that there were thousands ready to break out. Power was claimed under the charter to delay for some days, and Meade sent a messenger to Waterford for information as though the Lord Deputy's letters were unworthy of credit. Captain Morgan vainly urged that he had himself been present when Ormonde, the most cautious of men, had proclaimed the King at Carrick-on-Suir. Thornton and the other Commissioners, including Chief Justice Walsh

Refusal to
proclaim
King
James.

¹ Barnabas Kearney and David Wale to Aquaviva (Italian), July 7, 1603, from London, in *Hibernia Ignatiana*, p. 117. The burning of the service-book is mentioned in the official correspondence.

CHAP. I.

and Saxey the provincial Chief Justice, were kept walking about in the streets while the corporation wasted time, and at last they were told that no answer could be given until next day. The mayor and recorder protested their loyalty, but pretended among other things that time was necessary to enable them to make due preparation. In vain did Thornton and his legal advisers insist on the danger of delay, and upon the absurdity of Cork refusing to do what London and Dublin had done instantly. Meade would listen to nothing; and one clear day having elapsed since Morgan's arrival, Thornton went with his colleagues and about 800 persons to the top of a hill outside the town, where he solemnly proclaimed King James. Lord Roche was present, and the country folk seemed quite satisfied. The mayor soon followed suit at the market cross. The ceremonial of which the corporation had made so much was only the drinking of a hogsheaf of wine by the people, and no doubt that was a function which the citizens were always ready to perform at the shortest notice.¹

Tardy submission

Mass was now openly celebrated, the churches reconsecrated in the recorder's presence, and the Ten Commandments in the cathedral scraped out so as to make some old pictures visible. The town was full of priests and friars, one of whom claimed legatine authority, and 'they had the cross carried like a standard before them throughout the streets,' every one being forced to reverence it. It was openly preached that James was no perfect king until he had been confirmed by the Pope, and that the Infanta's title was in any case better. Gradually these tumultuary proceedings ripened into open insurrection, and 200 young men in two companies were ordered to be armed and maintained by the citizens. It was indeed proposed to arm the whole population from twelve to twenty-four years, but there was not time for this. Lieutenant Christopher

Cork in possession of the Recusants.

¹ Brief Declaration in *Carew*, 1603, No. 5; account written by Richard Boyle in *Lismore Papers*, 2nd series, i. 43. As clerk of the Munster Council Boyle was an eye-witness of all these proceedings. Moryson's *Itinerary*, part ii. book iii. chap. 2.

CHAP. I. Murrough, who had served the League in France, was active during the whole disturbance. The mayor, who vacillated between expressions of loyalty and acts of disrespect to the new sovereign, had evidently the idea of a free city in his head, and said he was 'like the slavish Duke of Venice and could not rule the multitude.'¹

A street
procession.

'I myself,' says an eye-witness, 'saw in Cork on Good Friday a procession wherein priests and friars came out of Christ's Church with the mayor and aldermen, and best of citizens going along the streets from gate to gate all singing, and about forty young men counterfeiting to whip themselves. I must needs say counterfeiting because I saw them (although bare-footed and bare-legged), yet their breeches and doublets were upon them, and over that again fair white sheets, everyone having a counterfeit whip in his hand—I say a counterfeit whip because they are made of little white sticks, everyone having four or five strings of soft white leather neither twisted nor knotted—and always as their chief priest ended some verses which he sung in Latin these counterfeits would answer *miserere mei*, and therewith lay about their shoulders, sides, and backs with those counterfeit whips; but I never saw one drop of blood drawn, therefore their superstition is far worse than the Spaniards', who do use such whipping upon their bare skin, that the blood doth follow in abundance, which they do in a blind zeal, and yet it is far better than those counterfeits did.'²

The
citizens
arm them-
selves,

Cork was then a walled town, but being commanded by high ground can never have been strong. Outside the south gate and bridge and not far from where the Passage railway station now stands Carew had begun to build a fort with the double object of overawing the town and of

¹ Brief Relation in *Carew*, 1603, No. 5; Irish State Papers calendared from April 20 to May 14; *Lismore Papers*, 2nd series, i. 43-73; Mountjoy to the Mayor of Cork, May 4, in *Cox*, p. 7. The full account in Smith's *Cork* is mainly founded on the Lismore collection. Lady Carew's letter of May 5, 1603, among the State Papers and Lady Boyle's of March 18, 1609, in the Lismore Papers are both printed verbatim, and are interesting to compare as specimens of ladies' composition.

² Farmer's Chronicle in *MS. Harl.* 3544. Farmer was a surgeon.

intercepting a foreign enemy. After the battle of Kinsale the work had been discontinued, and no guns were mounted. The north gate was commanded by Shandon Castle, which was in safe hands. The east and west sides of the city were bounded by the river, which ran among marshy islands. The approach from the open sea was partly protected by a fort on Haulbowline Island, at the point where the Lee begins finally to widen out into the great harbour, and the seditious citizens had visions of destroying this stronghold, which the recorder pronounced useless and hurtful to the corporation. Inside the town and near the north gate was an old tower known as Skiddy's Castle, used as a magazine for ammunition and provisions. The citizens refused to allow stores to be carried out to the soldiers and at the same time obliged them to remain outside. One alleged grievance was that two guns belonging to the corporation were detained at Haulbowline, and Thornton against Boyle's advice exchanged them for two in the town which belonged to the King. Lieutenant Murrough was placed in charge of Skiddy's Castle, every Englishman's house was searched for powder, 'a priest being forward in each of these several searches,' and the inmates expected a general massacre. Sir George Thornton left the town, Lady Carew took refuge in Shandon, and Lord Thomond's company was sent for. Wilmot arrived with his men when the disturbances had lasted for more than a week, but the townsmen would not listen to reason, and began to demolish Carew's unfinished fort. The recorder admitted that he had instigated this act of violence. Wilmot took forcible possession of the work, but forbade firing into the town on pain of death. The inhabitants then broke out into open war, sent round shot through the Bishop's palace where the Commissioners lodged, and killed a clergyman who was walking past. They severely cannonaded Shandon, but, as Lady Carew reported, 'never did any harm to wall or creature in it,' and did not frighten her in the least.

And
bombard
Shandon.

On May 5 Thornton brought up a piece of Spanish artillery from Haulbowline, and when three or four shots had

CHAP. I. pierced houses inside the walls, a truce was made. Five days later Mountjoy arrived.¹

Violent
proceed-
ings of the
citizens.

The question of a legal toleration for the Roman Catholics and of municipal freedom for the town had been carefully mixed up together, and the possession of all Government stores by the citizens made the rising troublesome for the moment if not actually formidable. The chief commissary, Mr. Allen Apsley, was the mayor's prisoner from April 28 to May 10, and his evidence fortunately exists. First there was an attempt to get the troops out of the neighbourhood by refusing provisions which were undoubtedly the King's property. At last it was agreed that the stores should be removed by water to Kinsale, but the opportunity was taken to extort an extravagant freight, and when the vessel was laden she was not allowed to leave the quay. After Wilmot's arrival on April 20 or 21, it was pretended that he wished to get possession of the town by treachery, and the mayor said he was 'as good a man and as good a gentleman as Sir Charles Wilmot, if the King would but knight him, and give him 200 men in pay, and the like idle comparisons.' Four days later this valiant doge had guns mounted on the gates, and the provisions and powder were disembarked again. The mayor first tried to make Apsley swear to answer all his questions, and on his refusal confined him to his own house. Two days later the recorder put him into the common gaol, and bail was refused. There seems to have been an attempt to make out that Apsley had committed treason by helping Wilmot to get possession of the stores, but of this even there was no proof.²

Cork
garrisoned
by Mount-
joy.

Meade and his party strongly urged that Mountjoy should be forcibly resisted, but more prudent counsels prevailed, and the town had to receive a garrison of 1,000 men. The chief points having been occupied by his soldiers, the Lord Deputy entered by the north gate, and saw ploughs ranged on both sides of the street as if to show that the extortion of the soldiers had made the land lie idle. The

¹ Authorities last quoted.

² Apsley's account in *Lismore Papers*, 2nd series, i. 66.

CHAP. I.

old leaguer Murrough, a schoolmaster named Owen Mac-Redmond, who had openly maintained the Infanta's title, and William Bowler, a brogue-maker, were hanged by martial law. The recorder, who had land, was reserved for trial, and was ultimately acquitted by a jury at Youghal, though he was undoubtedly guilty of treason by levying war. The foreman was fined 200*l.* and the rest 100*l.* apiece, but it became evident that no verdict could be expected in any case where matters of religion might be supposed in question. Meade went abroad and remained in the Spanish dominions for many years. He is heard of at Naples, too poor to buy clothes for a servant, but in 1607 he was at Barcelona and receiving a pension of 11*l.* per month. In 1611 he wrote a letter of advice to the Catholics of Munster, grounded on the Act 2 Eliz., chap. 2, in which he showed that they were not bound to go to church, but the attempt to enforce attendance had then been practically abandoned.¹

Meade
acquitted
by a jury.

Mountjoy left Ireland on June 2, 1604, after being sworn in as Lord Lieutenant, and he never returned. He was created Earl of Devonshire, and continued till his death to have a decisive voice in the affairs of the country which he had reduced. Vice-Treasurer Sir George Carey was made Deputy, and was at once engaged with the currency question, for the state of the coinage had furnished a pretext to the Munster malcontents, and may really have had something to do with their late proceedings. He soon had the help of Sir John Davies, a native of Wiltshire, whose name is inseparably connected with Irish history, but who had been hitherto better known as a poet than as a statesman. It was perhaps the striking example of Hatton's promotion that made the young barrister sing of dancing, but it was a poem on the immortality of the soul which attracted the King's attention. Devonshire wished him to be made Solicitor-General for Ireland, and James readily complied. He arrived in

Departure
of Mount-
joy.
Carey
Deputy.

Sir John
Davies
Solicitor-
General.

¹ Notices of Meade in the Calendars of State Papers, *Ireland*, especially No. 355 of 1611, where his tract is entered as among the Cotton MSS. There is another copy in the Bodleian, *Laudian MSS.* Misc. 612, f. 143. The proceedings at Meade's trial are calendared under 1603, No. 184.

CHAP. I. November, and found the country richer than he supposed after all the wars, but suffering from the uncertainty caused by a base coinage.

Reform
of the
currency.

The money issued in 1601 contained only 25 per cent. of silver, but it was easily counterfeited with a much greater alloy, and interested people gave out that it contained no silver at all. Soon after his accession James consented to revert to the old practice of Ireland, and to establish a currency containing 75 per cent. of silver; but this was ordered by proclamation to be received as sterling. The name sterling had hitherto been applied to the much purer coinage of England, and a new element of confusion was thus introduced. The base coin of 1601 was cried down at the same time, so that a shilling should be received for fourpence of the new money. When Davies arrived he found that people would not take the dross even at the reduced rate, and they were even more unwilling to do so when another proclamation cried down the new and comparatively pure shillings also from twelpence to ninepence. The King had granted 20,000 pardons in a few months, but Davies was of opinion that he would gain more popularity by giving twopence for every bad shilling and then recalling the whole issue than by all his clemency. The Solicitor-General could speak feelingly, his fees on all the pardons being paid in copper, while the royal revenue was in the same way reduced almost to nothing. Soldiers and officials were the greatest losers, for they had to take what the proclamations allowed, while traders could not be forced to do so. A few were sent to prison for refusing, but this only caused discontent without securing obedience, and there was a riot at Galway. The matter was brought to a crisis by a case decided in the summer of 1604.¹

The case
of mixed
money.

The bad money was proclaimed current in May 1601, and in April, while the pure coin of England was still current in Ireland, one Brett of Drogheda, merchant, having bought wares from one Gilbert, in London, became bound to Gilbert

¹ Davies to Cecil, December 1, 1603; proclamations calendared at October 11 and December 3.

for 200*l.* on condition to pay the said Gilbert, his executors or assigns 100*l.* sterling current and lawful money of England at the tomb of Earl Strongbow in Christchurch, Dublin, on a certain future day, which day happened after the said proclamation of mixed monies. On that day Brett tendered 100*l.* in mixed money of the new standard. The question was whether this tender was good. Sir George Carey, being Deputy and Vice-Treasurer, ordered the case to be stated for the judges who were of the Privy Council, and they decided after an immense display of learning that Brett had rightly tendered in the only lawful money of Ireland, that Gilbert was worthy of punishment for refusing to receive it, and that the Irish judges could take cognisance of no money except what was established by proclamation. The several courts of record in Dublin accepted this as law, and all the cases pending were so decided. In other words, Ireland repudiated the greater part of her debts. The situation created was intolerable, for credit was destroyed; but it was not till the beginning of 1605 that the English Government made up its mind that the various kinds of coin in Ireland might be lawfully current for their true value. In 1607 English money was made legal tender in Ireland at the rate of sixteen pence Irish to the shilling. All who knew the country best wished to have one coinage for England and Ireland, but official hindrances were constantly interposed, and the difficulty was not got over until after the unification of the two Exchequers in 1820. Some establishment charges are still paid with deductions for the difference between old Irish and sterling money.¹

Inconvenience of separate Exchequers.

Carey retained the Vice-Treasurership along with the acting Viceroyalty, the power of the sword and of the purse being thus held in a single hand. Under these circumstances it is not surprising that charges of extortion should have been brought against him, and that he should be accused of having become very rich by unlawful means. He had only

Sir Arthur Chichester Lord Deputy.

¹ *Le Case de Mixt Monies*, Trin. 2 Jacobi in Davies' Reports, 1628; State of the Irish coin, calendared at June 12, 1606; Lord Deputy Chichester p^{re}s Council to the Privy Council, calendared at March 2, 1607.

CHAP. I. one-third of the viceregal salary, two-thirds being reserved for Devonshire as Lord-Lieutenant. There is no evidence that Salisbury or Davies gave much credit to the charges against Carey, who was himself anxious to be relieved, and who suggested that Sir Arthur Chichester should fill his place. Chichester, who had gained his experience as Governor of Carrickfergus, at first refused on the ground that he could not live on one-third of the regular salary, and he was given an extra 1,000*l.* per annum with 500*l.* for immediate expenses. He remained at the head of the Irish Government until 1616.¹

¹ Chichester was sworn in February 3, 1604-5.

CHAPTER II

CHICHESTER AND THE TOLERATION QUESTION, 1605-1607

CHAP. II.

The rival
Churches.

THE question of religious toleration was one of the first which Chichester had to consider, for the movement in the Munster towns was felt all over Ireland. Priests and Jesuits swarmed everywhere, and John Skelton on being elected Mayor of Dublin refused after much fencing to take the oath of supremacy. Sir John Davies, who had yet much to learn in Ireland, thought that the people would quickly conform if only the priests were banished by proclamation. Saxey, chief justice in Munster, was much of the same opinion, but both these lawyers admitted the insufficiency of the Established Church. The bishops, among whom there were scarcely three good preachers, seemed to them more anxious about their revenues than about the saving of souls.

The penal
laws
against
Recusant

The experience of James's only Irish Parliament was to show it was scarcely possible to legislate against the Roman Catholics even when many new boroughs had been created for the express purpose of making a Protestant majority. The Act of Uniformity passed at the beginning of Elizabeth's reign remained in force, but little was done under it as long as she lived. It only provided a fine of one shilling for not attending church on Sundays and holidays, and could have little effect except upon the poor, though it might give great annoyance. Another Act prescribed an oath acknowledging the Queen's supremacy, both civil and ecclesiastical, and denying that any 'foreign prince, person, prelate, State, or potentate hath or ought to have any jurisdiction,' &c. This oath might be administered to all ecclesiastical persons, to judges, justices, and mayors, and to all others in the pay of the Crown on pain of losing their offices. The open maintenance and advocacy of foreign authority was more severely

CHAP. II. visited, the penalties being the forfeiture of all goods and chattels, real and personal, with a year's imprisonment in addition, for those not worth 20*l*. The second offence was a *præmunire*, and the third high treason. And so the law remained during the whole reign of James. The English oath of allegiance prescribed after the Gunpowder Plot involved a repudiation of the Pope's deposing power; but this was not extended to Ireland.¹

Power of
the priest-
hood.

The repressive power in the hands of the Irish Government was weak as against the population in general, but so far as law went it was ample against the priests, who, of course, could not take the oath of supremacy; and against officials who were of the same way of thinking. Mountjoy was successful against the recalcitrant towns, but his back was no sooner turned than Sir George Carey reported that the country swarmed with 'priests, Jesuits, seminaries, friars, and Romish bishops; if there be not speedy means to free this kingdom of this wicked rabble, much mischief will burst forth in a very short time. There are here so many of this wicked crew, as are able to disquiet four of the greatest kingdoms in Christendom. It is high time they were banished, and none to receive or aid them. Let the judges and officers be sworn to the supremacy; let the lawyers go to the church and show conformity, or not plead at the bar, and then the rest by degrees will shortly follow.' Protestant bishops naturally agreed, though Sir John Davies thought their own neglect had a good deal to say to the matter; but he admitted that the Jesuits came 'not only to plant their religion, but to withdraw the subject from his allegiance, and so serve the turn of Tyrone and the King of Spain.' Now that Ireland was at peace, he thought it probable that they would gladly go away, and cites the case of Fitzsimon, a Jesuit who had petitioned to be banished. Fitzsimon, however, had been five years a prisoner in the Castle, during one month of which he had converted seven Protestants, including the head

Case of the
Jesuit
Fitzsimon.

¹ *Irish Statutes*, 2 Eliz. chaps. i. and ii. James I.'s Apology for the Oath of Allegiance against the two breves of Pope Paulus Quintus, &c, in his *Works*, 1616 (the oath is at p. 250).

warder. The King released him mainly on the ground that he did not meddle in secular matters, and he was on the Continent till 1630, when he returned to Ireland and lived there till long after the great outbreak of 1641. About the time of Fitzsimon's release the Protestant Bishop of Ossory was able to give the names of thirty priests who haunted his diocese, including the famous Jesuit James Archer, who was said to have legatine authority. Archer was closely connected with Tyrone, and had been his frequent companion in London, disguised as a courtier or as a farmer, and busy with Irish prisoners in the Tower. Davies advised that priests and Jesuits should be captured when possible and sent to England, where the penal laws could take hold of them; and if this were done, he thought all Ireland would go comfortably to church. Chief Justice Saxey gave much the same advice in a more truculent form. The opinions of all Englishmen officially concerned with Ireland are reflected in the King's famous proclamation of July 4, 1605, which Chichester, who had then succeeded to the government, found awaiting him in Dublin on his return from the north.¹

James begins by repudiating the idea prevailing in Ireland since the Queen's death that he intended 'to give liberty of conscience or toleration of religion to his subjects in that kingdom contrary to the express laws and statutes therein enacted.' He insisted everywhere on uniformity, resenting all rumours to the contrary as an imputation on himself, and even, as was reported, declaring that he would fight to his knees in blood rather than grant toleration. Owing to false rumours, the Jesuits and other priests of foreign ordination had left their lurking-places and presumptuously exercised their functions without concealment. The King therefore announced that he would never do any act to 'confirm the hopes of any creature that they should ever have from him any toleration to exercise any other religion than that which

Royal Proclamation
against
Toleration.

¹ Enclosure in letter of John Byrd to Devonshire, September 8, 1603. Archbishop of Dublin and Bishop of Meath to the Privy Council, March 5, 1604. Davies to Cecil, April 19 and December 8. Bishop of Ossory to the Deputy and Council, June 8, 1604. Chief Justice Saxey to Cranbourne, 1604, No. 397. Hogan's *Life of H. Fitzsimon*, pp. 58 sqq.

CHAP. II. is agreeable to God's Word and is established by the laws of the realm.' All subjects were therefore charged to attend church or to suffer the penalties provided. As to the Jesuits and others who sought to alienate their hearts from their sovereign, 'taking upon themselves the ordering and deciding of causes, both before and after they have received judgments in the King's courts of record . . . all priests whatsoever made and ordained by any authority derived or pretended to be derived from the See of Rome shall, before the 10th day of December, depart out of the kingdom of Ireland.' All officers were to apprehend them and no one to harbour them, on pain of the punishments provided by law. If, however, any such Jesuit or priest would come to the Lord Lieutenant or Council, conform, and repair to church, he was to have the same liberties and privileges as the rest of his Majesty's subjects.

The Proclamation fails.

Devonshire, however, who was still Lord Lieutenant, was opposed to making any curious search for priests who did not ostentatiously obstruct the Government, and his views prevailed with the English Council. Chichester willingly acquiesced, and reported some weeks after the appointed day that no priests, seminaries, or Jesuits of any importance had left the country and that searches, even if desirable, would be useless, 'for every town, hamlet, or house is to them a sanctuary.' Just about Carrickfergus, where he was personally known, some secular priests had conformed, and Davies, who thought Government could do everything, believed the multitude would naturally follow. 'So it happened,' he said, 'in King Edward the Sixth's days, when more than half the kingdom of England were Papists; and again in the time of Queen Mary, when more than half the kingdom were Protestants; and again in Queen Elizabeth's time, when they were turned Papists again.' He did not see that the national sentiment of England was permanently hostile to Roman aggression, while the authority of the Crown was accepted as the only refuge against anarchy. The state of feeling which existed in Ireland was just the opposite.¹

¹ Proclamation of July 4, 1605; Davies to Salisbury, No. 603 in Cal.;

Sir John Everard, second justice of the King's Bench, was ordered to conform or resign, though admitted to be a very honest and learned man. It was so difficult to find a successor for this able judge that he was continued in office for eighteen months after the King's order, when he resigned rather than take the oath of supremacy. Of his loyalty in civil matters there was no question, and he received a pension of a hundred marks, which Chichester wished to make a hundred pounds. In 1608, when the Irish refugees in Spain contemplated a descent upon Ireland, Everard refused to take part in the plot, and he lived to contest the Speakership with Sir John Davies in the Parliament of 1613.¹

CHAP. II.

Sir John
Everard's
case.

December passed, and yet none of the priests had left the country. The Gunpowder Plot was discovered in the meantime, but there was no evidence of ramifications in Ireland, and the English Government half drew back from the policy of the late royal proclamation. It was decided, and apparently at Chichester's suggestion, that no curious search should be made for clergymen of foreign ordination. The immediate result of the severe measures taken in England was to drive the Jesuits and other priests over to Ireland, where the law was weaker and less perfectly enforced, and where they were sure of a good reception.

Vacilla-
tion of
Govern-
ment.

Robert Lalor, who had for twelve years acted as Vicar-General in Dublin, Kildare, and Ferns, was, however, arrested. He had powerful connections in the Pale, and it was thought that his prosecution might strike terror into others, more especially as he was a party to many settlements of land. Lalor was convicted under the Irish Act of 1560 as an upholder of foreign jurisdiction in matters ecclesiastical, and remained in prison for some months. He then petitioned the Deputy for his liberty, and was induced to

Robert
Lalor's
case, 1606.

Lords of the Council to Chichester, January 24, 1606; Chichester to Salisbury and to Chichester, February 26; Roger Wilbraham's Diary, in vol. x. of the *Camden Miscellany*.

¹ Davies to Cecil, December 8, 1604, January 6, 1605; Saxey to Cecil, 1604, No. 397; the King to Chichester, June 27, 1605; his proclamation against toleration, July 4; Cornwallis to the Privy Council, April 19, 1608, in *Winwood*.

CHAP. II

Præmunire.

Submission of Lalor.

confess in writing that he was not a lawful Vicar-General, that the King was supreme governor, without appeal, 'in all causes as well ecclesiastical and civil,' and that he was ready to obey him 'either concerning his function of priesthood, or any other duty belonging to a good subject.' After this his imprisonment was greatly relaxed, and he was allowed to see visitors freely, to whom he boasted that he had not allowed the King any power in spiritual causes. It was then resolved to indict him under the Statute of Præmunire (16 Richard II.), which was of undoubted force in Ireland, for receiving a papal commission, for assuming the office so conferred, and for exercising every kind of episcopal jurisdiction under it, especially 'by instituting divers persons to benefices with cure of souls, by granting dispensations in causes matrimonial, and by pronouncing sentences of divorce between divers married persons.' The case was tried by a Dublin city jury, and all the principal gentlemen in town were present as spectators. Lalor tried to draw a distinction between ecclesiastical and spiritual, but this was quickly overruled, and his former confession was read out in open court. Davies went into the legal argument at great length, and in the end Lalor was fain to renounce the office of Vicar-General and to crave the King's pardon. The jury then found the prisoner guilty, and in the absence of Chief Justice Ley, Sir Dominick Sarsfield gave judgment accordingly. Part of the penalty was the forfeiture of goods, and this was important, because the Earl of Kildare and other great proprietors had used the late Vicar-General's services as a trustee, and the Crown lawyers had thus a powerful engine placed in their hands. Lalor was probably banished according to law, as his name disappears from the State correspondence. He had ceased to be of any importance, for his confession destroyed his influence with the recusants.¹

The Irish Statute of 1560 was the only one available for coercing the laity, and its fine of one shilling, even when

¹ *The Case of Præmunire* in Sir John Davies's Reports, London, 1628. Lalor was arrested in March 1605-6, and finally convicted early in the following year.

CHAP. II.

swelled by costs, was altogether insufficient to impress the gentry or wealthier traders, and it was resolved to eke it out by recourse to the prerogative pure and simple. All men's eyes naturally turned to the seat of government, and the first example was made there. Mandates under the Great Seal were directed to sixteen aldermen and merchants, of whom Skelton, the late mayor, was one, ordering them to go to church every Sunday and holiday, 'and there to abide soberly and orderly during the time of common prayer, preaching, or other service of God.' They refused upon grounds of conscience, and the case was tried in the Castle Chamber. During the proceedings and while the court was crowded, Salisbury's dispatch arrived with the news of the Gunpowder Plot, and Chichester ordered it to be read out by Bishop Jones, who had just been made Lord Chancellor, and who took the opportunity to make a loyal speech. This dramatic incident may or may not have influenced the decision which imposed a fine of 100*l.* upon six aldermen and of 50*l.* each upon three others, one of whom, being an Englishman, was ordered to return to his own country. Five days later similar sentences were passed upon three more, while three were reserved to try the effect of a conference with Protestant theologians. One of the sixteen escaped altogether by conforming to the established religion, and he was the only one who did conform. This could not be thought a brilliant success, and the mandates were soon subjected to a direct attack.¹

Enforced conformity.

The Mandates.

Effect of the Gunpowder Plot.

In the province of Munster, where Sir Henry Brouncker succeeded Carew in the summer of 1604, a more energetic course was followed. Brouncker had for many years farmed the customs of wine imported into Ireland, and had probably in that way learned much of the underground communications with Spain. He found Cork swarming with priests and seminaries who said mass almost publicly in the best houses and strenuously maintained that it was 'his Majesty's pleasure to tolerate their idolatry.' For a time he was interrupted by

The Act of Uniformity in Munster. Sir H. Brouncker.

¹ Lord Deputy and Council to the Privy Council, December 5, 1605; Chichester to Salisbury, December 7.

CHAP. II. the plague, but soon resumed his efforts to fill the churches and to apprehend the priests of Rome. His idea was to clear the towns while leaving the country districts alone, but he had little success, for the proscribed clergy were everywhere favoured and harboured in gentlemen's houses under the name of surgeons and physicians. Brouncker maintained that he was of a mild disposition, but that he was driven by the obstinacy of the people to take sharp courses. In one circuit of his province he deposed the chief magistrates in every town except Waterford, 'where the mayor was conformable,' and he threatened them all with the loss of their charters. He thought it possible to collect enough fines to make the black sheep support the white.

Priest-
hunting.

At Limerick he captured Dr. Cadame, a notable priest long resident there, but at Carrick-on-Suir two of the worst priests in Ireland just eluded him. William Sarsfield, mayor of Cork, had been fined 100*l.* for disobedience to the mandates in the summer of 1606. The general answer given by him and others in the same position was 'that their forefathers had continued as they were in the Popish religion, and that their consciences tied them to the same,' not one of them, according to Brouncker's return, 'being able to define what conscience was.' Before the year was out, the President was able to report that Sarsfield, in spite of his Spanish education and his first stubbornness, had 'by a little correction been brought to church, and so in love with the word preached, and so well satisfied in conscience, that he offered to communicate with him.' This sounds rather like a profane joke by a man who had been brought up among the countrymen of Suarez and Escobar, and in any case conformity so obtained was of little value. Bishop Lyon, however, had done his duty in providing preachers in his diocese, and perhaps some real progress might have been made if all bishops had been like him. At all events there was a congregation of 600 at Youghal, and some tendency to conformity was apparent even to Chichester's eyes. Both President and Bishop received the thanks of the English Council, and Salisbury encouraged Brouncker to persevere, but when he died

The
Mayor of
Cork goes
to church.

in the following spring James found that 'his zeal was more than was required in a governor, however allowable in a private man.' It was not easy to serve a sovereign who insisted on proclaiming the duty of persecution while shrinking from the unpopularity which his own words naturally produced. The fines imposed at Kinsale were altogether remitted in regard to the poverty of the town, elsewhere they were much reduced. The total, however, was considerable, while individuals were 'reasonably well contented' at escaping so easily.¹

CHAP. II.

In Connaught Clanricarde had been made Lord President for his services at Kinsale, and no doubt his influence had been increased by his marriage to Essex's widow. He was in England at the end of 1605, and Sir Robert Remington, the Vice-President, made some show of proceeding like Brouncker. Mandates were issued and a few fines imposed upon citizens of Galway, but these were not fully paid, and there is no evidence that anything was done outside that single town.²

The Mandates in Connaught.

A petition against interference 'with the private use of their religion and conscience' was presented to the Lord Deputy, and signed by two hundred and nineteen gentlemen of the Pale, of whom five were peers. The principal framer of this document was probably Henry Burnell, the lawyer, who was now very old, but who was still the same man who had opposed Sidney thirty years before, and Richard Netterville, who had then been his colleague. The chief promoter was Sir Patrick Barnewall, who was Tyrone's brother-in-law, and from whose house of Turvey the northern chief had eloped

Opposition to the Mandates. Sir P. Barnewall.

¹ Brouncker to Cecil, August 23 and October 17, 1604; Salisbury to Brouncker, March 3, 1606; Brouncker's letter of September 12; Return of fines imposed 4 James I. printed in *Irish Cal.* ii. 41; Brouncker to the Privy Council, November 18; Chichester to Salisbury, December 1, 1606, and February 10, 1607; The King to Chichester, July 16, 1607; Privy Council to Chichester, January 17, 1608-9; Davies to Salisbury, June 10, 1609.

² Brouncker to Cecil, August 23, 1604; observation by Sir John Davies, May 4, 1606; Lord Deputy and Council to the Privy Council, September 12, 1606; Brouncker to the Privy Council, February 10, 1606-7. For Connaught see preface to State Papers, *Ireland*, 1606-1608, p. 46.

CHAP. II. with Mabel Bagenal in 1591. According to Carew, he was 'the first gentleman's son of quality that was ever put out of Ireland to be brought up in learning beyond the seas.' The petition was presented to Chichester by Sir James Dillon and others during the last days of November, and an answer was soon pressed for. The movement being evidently concerted, and Catesby's plot being very recent, Burnell and Netterville were restrained in their own houses on account of their infirmity, while Barnewall, Lord Gormanston, Dillon, and others were imprisoned in the Castle. Gormanston and three other peers forwarded a copy of the petition to Salisbury, and complained bitterly of the severe measures which had been taken against the aldermen for no offence but absence from the Protestant service. With something of prophetic instinct Barnewall expressed a fear that the Irish Government were laying the foundation of a rebellion, 'to which, though twenty years be gone, the memory of those extremities may give pretence.' Most of the prisoners were soon released on giving bonds to appear when called upon, but Barnewall had to go to England.¹

Barnewall
and others
im-
prisoned.

Sowing the
dragon's
teeth.

Toleration
not under-
stood.

France.

Spain.

Germany.

Italy.

What we mean by toleration was nowhere understood in the early part of the seventeenth century. Even Bacon, who admired the edict of Nantes, which had not wiped out the memory of St. Bartholomew, had no idea of abrogating the Elizabethan penal code. Henry IV.'s famous edict was an exception; it was one of the kind that proves the rule, for he saw no way of securing the French Protestants but by giving them a kind of local autonomy which could not last. Rochelle was an impossibility in a modern state, and when that frail bulwark was destroyed persecution gradually resumed its sway. Of Spain, the birthplace and fixed home of the Inquisition, it is unnecessary to speak. In Germany neither party practised any real toleration. In Italy Spanish interests were dominant, and Elizabeth died an excommunicated

¹ Chichester to Salisbury, December 7 and 9, 1605; petition by the nobility and gentry of the English Pale, No. 593; Lords Gormanston, Trimleston, Killeen, and Howth to Salisbury, December 8; Davies to Salisbury, No. 603; Barnewall to Salisbury, December 16. Carew's Brief Relation of passages in the Parliament of 1613 in *Carew*.

Queen. Clement VIII. abstained from treating her successor in the same way, but he had hopes by mildness to obtain better terms for the faithful in England. Both in England and Ireland any intention of forcing men's consciences was always disclaimed, while outward conformity was insisted on. And in the case of the Roman Catholics, who took their orders from a foreign and hostile power, it was really very difficult to say exactly how much belonged to Cæsar. Bacon was more liberal than anyone else, but his ideas fell very far short of what is now generally accepted. In Ireland, he advised Cecil, after the Spaniards had been foiled at Kinsale, 'a toleration of religion (for a time not definite), except it be in some principal towns and precincts, after the manner of some French edicts, seemeth to me to be a matter warrantable by religion, and in policy of absolute necessity. And the hesitation in this point I think hath been a great casting back of the affairs there. Neither if any English Papist or recusant shall for liberty of his conscience transfer his person, family, and fortunes thither do I hold it a matter of danger, but expedient to draw on undertaking and to further population. Neither if Rome will cozen itself, by conceiving it may be some degree to the like toleration in England, do I hold it a matter of any moment, but rather a good mean to take off the fierceness and eagerness of the humour of Rome, and to stay further excommunications or interdictions for Ireland.' Bacon saw the difficulty clearly, and perhaps he saw the working solution, but to persevere steadily in such a course was not in James's nature, though Chichester might conceivably have done so if he had had a free hand.¹

CHAP. II.

Bacon's
advice.

Sir Patrick Barnewall was committed prisoner to the Castle on December 2, 1605. 'Well,' said he, 'we must endure as we have endured many other things, and especially the miseries of the late war.' 'No, sir,' answered Chichester, 'we have endured the misery of the war, we have lost our blood and our friends, and have indeed endured extreme miseries to suppress the late rebellion, whereof your priests, for whom you make petition, and your wicked religion, was

Barnewall
and
Chichester.

¹ Letter to Cecil, 1602, *Spedding*, iii. 49.

CHAP. II. the principal cause.' In writing to Salisbury afterwards Sir Patrick attributed the invention of the mandates to Chief Justice Ley, but it is much more likely that Davies was their author. After an imprisonment of three months, Barnewall was again brought before the Irish Council, and argued soundly in maintaining that recusancy was only an offence in so far as it was made one by statute, and that therefore all prosecution of it except that prescribed by Act of Parliament was illegal. At a further examination when the Chancellor, who was a bishop and ought to have known better, spoke of the King's religion, Barnewall saw his advantage and exclaimed 'That is a profane speech.' He was not sent to England till near the end of April, and at the end of May the English Government had not yet found time to attend to him. At first he was allowed to live under restraint at his own lodgings in the Strand, but was afterwards sent to the Tower, probably with the idea of making an impression upon the public mind in Ireland. It was found impossible to answer his arguments, and the Privy Council asked the Irish Government for information as to the 'law or precedent for the course taken in issuing precepts under the Great Seal to compel men to come to church.' They admitted that such authority was 'as yet unknown to them,' but rather sarcastically supposed that the Lord Deputy and Council were better informed. The Irish Government were acting entirely by prerogative; but several of the judges in England pronounced the mandates not contrary to precedent or authority. Barnewall was induced to make some sort of submission more than a year after his original arrest. Being called upon to make one in more regular form he refused, and was then sent to the Fleet prison for a month. Having signed a bond to appear within five days of his arrival, he was returned to Ireland at the beginning of March, 1607, and Chichester at once saw that no progress had been made.

Barnewall
puzzles the
Council.

Barnewall
sent to
England.

Victory of
Barnewall

Barnewall refused to make any submission in Dublin, and in the end it was found necessary to drop all proceedings against him. His detention in London was really a triumph, for the Irish recusants regarded him as their agent, and sub-

scribed largely for his support. Waterford contributed 32*l*. and the collection was general all over Ireland. He gained in fact a complete victory, and such progress as Brouncker had made in procuring outward conformity was at once arrested. The mandates were never again resorted to.¹

CHAP. II.

The
Mandates
are aban-
doned.

¹ Calendar of State Papers, *Ireland*, from December 1605 to September 1607.

CHAPTER III

THE FLIGHT OF THE EARLS, 1607

CHAP.
III.

Mountjoy
leaves
Ireland,
1603.

Tyrone in
favour at
Court.

Mountjoy
created
Earl of
Devon-
shire.

He
supports
Tyrone.

WHEN Mountjoy left Ireland at the beginning of June 1603 he was accompanied by Tyrone, and by Rory O'Donnell, whose brother's death had made him head of the clan. The party, including Fynes Moryson the historian, were nearly wrecked on the Skerries. On the journey through Wales and England Tyrone was received with many hostile demonstrations, mud and stones being often thrown at him; for there was scarcely a village which had not given some victims to the Irish war. The chiefs were entertained by Mountjoy at Wanstead, and after a few days were presented to the King, who had declared by proclamation that they were to be honourably received. Their reception was much too honourable to please men who had fought and bled in Ireland. Sir John Harrington, who had last seen Tyrone in his Ulster fastness sitting in the open air upon a fern form and eating from a fern table, gave his sorrow words in a letter to Bishop Still of Bath and Wells. 'How I did labour after that knave's destruction! I adventured perils by sea and land, was near starving, ate horse-flesh in Munster, and all to quell that man, who now smileth in peace at those who did hazard their lives to destroy him; and now doth Tyrone dare us old commanders with his presence and protection.' Tyrone and O'Donnell were present at Hampton Court on July 21 when Mountjoy was made Earl of Devonshire. Before that date Tyrone was in communication with Irish Jesuits in London, and among others with the famous Archer. Devonshire's one idea seems to have been to decide every point in his favour, and he was in a situation, so far as Ulster was concerned, not very different from that which the Earls of

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III.

Kildare had formerly occupied in the Pale. He was made the King's Lieutenant in Tyrone, and even obtained an order for 600*l.* on the Irish treasury, which Carey hesitated to pay, since the result would be to withhold their due from others whose claims were not founded on rebellion, but on faithful service. When he went back to Ireland in August, the sheriffs of the English and Welsh counties through which he passed were ordered to convey him safely with troops of horse, for fear of the people.¹

After his return Tyrone lived some time at Drogheda, the gentry of the Pale being unwilling to entertain him. The horrors of the late war were remembered, and the beaten rebel was generally unpopular. He had not means to stock or cultivate the twentieth part of his country, yet he took leases of more to give him a pretext for interference. He pretended that all fugitives from Tyrone should be forced to return, and Sir John Davies thought it evident that he wished exceedingly to 'hold his greatness in his old barbarous manner.' Otherwise there could be no object in his opposition to having a sheriff appointed for Tyrone, and yet he could hardly hope to raise another rebellion, for he was old and poor and his country extremely depopulated.²

Tyrone
unpopular
in Ireland,
1604.

Donnell O'Cahan, chief of what is now Londonderry county, once known as Iraght O'Cahan, and more lately as the county of Coleraine, submitted to Sir Henry Docwra in July 1602. The lands had been in possession of the clan for centuries, but certain fines and services were due to the O'Neills. Tyrone was still in open rebellion for several months afterwards, and it was thought that the loss of O'Cahan's district had much to say to his final discomfiture. O'Cahan, whose hereditary office it was to cast a shoe at the installation of an O'Neill, agreed to give up the land between Lough Foyle and the Faughan water to the Queen, and also land on the Bann for the support of the garrison at

Case of
O'Cahan.

¹ John Byrd to Devonshire, September 8, 1603, with enclosure; Meehan's *Tyrone and Tyrconnel*, p. 36; *Fynes Moryson*, book iii. chap. 2; Harrington's *Nugæ Antiquæ*.

² Davies to Cecil, April 10, 1604.

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III.

Mountjoy's
promise to
O'Cahan,

which is
not kept.

O'Cahan's
righteous
indigna-
tion.

Violence of
Tyrone.
1606.

Coleraine. The rest of his tribal territory was to be granted to him by patent. This agreement was reduced to writing, signed by O'Cahan and Docwra and ratified under his hand by Lord Deputy Mountjoy. Pending the settlement of the question, O'Cahan was granted the custody of his country under the Great Seal. When it afterwards seemed probable that Tyrone would be received to mercy O'Cahan reminded Docwra that he had been promised exemption from his sway. At O'Cahan's earnest request, Docwra wrote to Mountjoy, who again solemnly declared that he should be free and exempt from the greater chief's control. No sooner had Tyrone been received to submission than he began to quarter men upon O'Cahan, who pleaded the Lord Deputy's promise, and was strongly supported by Docwra. 'My lord of Tyrone,' was Mountjoy's astonishing answer, 'is taken in with promise to be restored, as well to all his lands, as his honour of dignity, and O'Cahan's country is his and must be obedient to his command.' Docwra reminded him that he had twice promised the contrary in writing, to which he could only answer that O'Cahan was a drunken fellow, and so base that he would probably rather be under Tyrone than not, and that anyhow he certainly should be under him. Tyrone's own contention was that O'Cahan was a mere tenant at will, and without any estate in the lands which had borne his name for centuries. Docwra reported Mountjoy's decision to O'Cahan, who 'bade the devil take all Englishmen and as many as put their trust in them.' Docwra thought this indignation justified, but realised that nothing could be done with a hostile Viceroy, and advised O'Cahan to make the best terms he could with Tyrone. Chichester was from the first inclined to favour O'Cahan's claim, but the Earl managed to keep him in subjection until 1606, when the quarrel broke out again. Tyrone seized O'Cahan's cattle by the strong hand, which Davies says was his first 'notorious violent act' since his submission, and the whole question soon came up for the consideration of the Government. Early in 1607 the two chiefs came to a temporary agreement by which O'Cahan agreed to pay a certain tribute, for which he pledged one-third of his terri-

tory, and in consideration of which Tyrone gave him a grant of his lands. O'Cahan was inclined to stand to this agreement, but Tyrone said it was voidable at the wish of either party. A further cause of dispute arose from O'Cahan's proposal to repudiate Tyrone's illegitimate daughter, with whom he had lately gone through the marriage ceremony, and to take back a previous and more lawful wife. His fear was lest he should have to give up the dowry also, and especially lest his cattle should be seized to satisfy the claim.¹

Devonshire died on April 3, 1606, and Tyrone thus lost his most thoroughgoing supporter at court. It was in the following October that O'Cahan's cattle were seized, and in May 1607 that chief petitioned for leave to surrender his country to the King, receiving a fresh grant of it free from Tyrone's interference. He afterwards expressed his willingness to pay the old accustomed services to Tyrone. The two chiefs were summoned before the Council, and Tyrone so far forgot himself as to snatch a paper from O'Cahan's hand and tear it in the Viceroy's presence; but for this he humbly apologised. The case was remitted to the King, and it was afterwards arranged that both parties should go over to plead their several causes; peace being kept in the meantime on the basis of the late agreement. The Irish lawyers were of opinion that O'Cahan's country was really at the mercy of the Crown on the ground that, though it had been found by inquisition to be part of Tyrone's, the Earl's jurisdiction only entitled him to certain fixed services and not to the freehold. That they held to have been the position of Con Bacagh O'Neill, and Tyrone's last grant only professed to restore him to what his grandfather had.²

Death of
Devon-
shire, 1606.

Claims
O'Cahan
and
Tyrone.

The Crown
intervenes.

While Rory O'Donnell was in England, Chief Baron

¹ Docwra's *Narration*, pp. 260-277; Lord Deputy and Council to the Privy Council, October 4, 1605; Davies to Salisbury, November 12, 1606; agreement between Tyrone and O'Cahan, February 17, 1606-7; Bishop Montgomery of Derry to Chichester, March 4; Chichester's instructions to Ley and Davies, October 14, 1608, p. 60.

² Petition of O'Cahan, May 2, 1607; Chichester to Salisbury, June 8; Lord Deputy and Council to the Privy Council, June 26; Davies to Salisbury July 1; Docwra's *Narration*, 284.

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III.

Assizes in
Donegal.

Rory
O'Donnell
created
Earl of
Tyr-
connel.

Extreme
preten-
sions of
Tyr-
connel.

His
character.

Discontent
of Neill
Garv.

Pelham was going circuit in Donegal. The multitude, he told Davies, treated him as an angel from heaven and prayed him upon their knees to return again to minister justice to them ; but many gentlemen refused the commission of peace until they had Tyrone's approval. A sheriff was appointed, but at first he had little to do. Rory O'Donnell was treated nearly as well as Tyrone himself. On his return to Ireland in September 1603, he was knighted in Christchurch, Dublin, by Sir George Carey, and at the same time created Earl of Tyrconnel. He received a grant of the greater part of Donegal, leaving Inishowen to O'Dogherty, the fort and fishery of Ballyshannon to the Crown, and 13,000 acres of land near Lifford to Sir Neill Garv O'Donnell. On the wording of the patent Lifford itself was reserved to the Crown. Neill Garv's very strong claim to the chiefry was passed over, he having assumed the name and style of O'Donnell without the leave of the Government. Rory was also made the King's Lieutenant in his own country, with a proviso that martial law should not be executed except during actual war, nor at all upon his Majesty's officers and soldiers. These ample possessions and honours were, however, not enough for the new Earl, who aimed at everything that his ancestors had ever had, and who was unwilling to leave a foot of land to anyone else. Five years after the death of Queen Elizabeth Chichester reported that the lands belonging to the Earldom of Tyrconnel were so mortgaged that the margin of rent was not more than 300*l.* a year. Nor is this to be wondered at for the Four Masters, who wrote in Donegal and who wished to praise its chief, said he was 'a generous, bounteous, munificent, and hospitable lord, to whom the patrimony of his ancestors did not seem anything for his spending and feasting parties.' The last O'Donnell being of this disposition, the attempt to change him into the similitude of an English Earl was not likely to succeed. O'Dogherty was for the time well satisfied ; but Sir Neill Garv, who had destroyed his chances by anticipating the King's decision, was angry, for Docwra and Mountjoy had formerly promised that he should have Tyrconnel in as ample a manner as the O'Donnells

had been accustomed to hold it. And by the word Tyrconnel he understood, or pretended to understand, not only Donegal but 'Tyrone, Fermanagh, yea and Connaught, where-soever any of the O'Donnells had at any time extended their power, he made account all was his : he acknowledged no other kind of right or interest in any man else, yea the very persons of the people he challenged to be his, and said he had wrong if any foot of all that land, or any one of the persons of the people were exempted from him.'

Here we have the pretensions of an Irish chief stated in the most extreme way, and they were evidently quite incompatible with the existence of a modern government and with the personal rights of modern subjects.¹

Tyrone was too wise to make claims like Neill Garv's, but he resented all interference. He had disputes with the Bishop of Derry about Termon lands, with English purchasers of abbeys, and with several chiefs of his own name who had been made freeholders of the Crown. Curious points of law were naturally hateful to one who had always ruled by the sword, but he may have had real cause to complain of actions decided without proper notice to him. He and his predecessors had enjoyed the fishery of the Bann, which was now claimed by the Crown as being in navigable waters. Queen Elizabeth had indeed let her rights, but no lessee had been able to make anything out of the bargain. In his very last letter to Devonshire Chichester said Tyrone was discontented and always would be, but he could see no better reason for his discontent than that he had lost 'the name of O'Neill, and some part of the tyrannical jurisdiction over the subjects which his ancestors were wont to assume to themselves.' Davies, however, admitted that his country was quiet and free from thieves, while Tyrconnel was just the contrary. Tyrone complained that officials of all kinds were his enemies, and that he was harassed beyond bearing. His fourth wife, Catherine Magennis, was known to be on bad terms with him, and he had threatened to repudiate her. She 'recounted

Discontent
of Tyrone.

¹ Docwra's *Narration*, p. 249 ; Davies to Cecil, December 1, 1603 ; *Four Masters*, 1608.

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III.Secret
service.

many violences which he had used and done to her in his drunkenness,' and wished to leave him, but resisted any attempt at an ecclesiastical divorce. Chichester admitted that it was 'a very uncivil and uncommendable part to feed the humour of a woman to learn the secrets of her husband,' but gunpowder plots were an exception to every rule, and he thought himself justified in hunting for possible Irish ramifications by equally exceptional means. James Nott, employed by Tyrone as secretary or clerk, had a pension for bringing letters to the Government. Sir Toby Caulfield was directed to see Lady Tyrone, and to examine her on oath. She repeated her charges of ill-treatment and declared that she was the last person in whom her husband would confide, but that in any case she would do nothing to endanger his life. She expressed her belief that Tyrone had no dealings with the English recusants, but that he was discontented with the Government: Tyrconnel depended on him, and that nearly all the Ulster chiefs were on good terms with the two earls. Lady Tyrone continued to live, not very happily, with her husband for many years, during which his habits did not improve. Sir Dudley Carleton, the English ambassador at Venice, reported in 1614 that 'Tyrone while he is his own man is always much reserved, pretending ever his desire of your Majesty's grace, and by that means only to adoperate his return into his country; but when he is *vino plenus et irâ* (as he is commonly once a night, and therein is *veritas*) he doth then declare his resolute purpose to die in Ireland; and both he and his company do usually in that mood dispose of governments and provinces, and make new commonwealths.' Nothing seriously affecting Tyrone's relations with the State happened until August 1607, when Chichester informed him that both he and O'Cahan were to go to England, where their differences would be decided by the King himself. Sir John Davies was warned to be in readiness to accompany them.¹

¹ Davies to Cecil, December 8, 1604; Chichester to Devonshire, February 26, 1605-6, endorsing Caulfield's report; to Devonshire, April 23; to the Privy Council, August 4, 1607; examination of Sir Neill O'Neill,

CHAP.
III.The
Maguires.Maguire at
Brussels.A ship
hired with
Spanish
money.Tyrone's
farewell.

After the death of Hugh Maguire in 1600 his brother Cuconnaught, whom Chichester describes as 'a desperate and dangerous young fellow,' was elected chief in his stead. The English Government decided to divide Fermanagh between him and his kinsman, Connor Roe, and to this he agreed because he could not help it, but without any intention of resting satisfied. Spanish ships often brought wine to the Donegal coast, and communications were always open through these traders. In August 1606 Tyrconnel and O'Boyle inquired of some Scotch sailors as to the fitness of their little vessel for the voyage to Spain, but Chichester could not believe that he had any idea of flight, and supposed that he was only seeking a passage for Maguire. The latter found a ship after some delay, and was at the Archduke Albert's court by Whitsuntide in 1607. While at Brussels he associated with Tyrone's son Henry, who commanded an Irish regiment 1,400 strong. Sir Thomas Edmondes had tried to prevent this appointment two years before, but the Archduke succeeded in getting it approved by James I. The Gunpowder Plot had not then been discovered, and Devonshire's influence was paramount in all that concerned Ireland. Tyrone sometimes professed himself anxious to bring his son home, but in other company he boasted of the young man's influence at the Spanish court and of his authority over the Irish abroad. The Archduke now gave Maguire a considerable sum of money, with which he went to Rouen, bought or hired a ship, of which John Bath of Drogheda had the command, and put into Lough Swilly about the end of August. The ship carried nets and was partly laden with salt, under colour of fishing on the Irish coast. Tyrone was with Chichester at Slane on Thursday, August 28 (old style), conferring with him about his intended visit to England. Here he received a letter telling him of Maguire's arrival, and on Saturday he went to Mellifont, which he left next day after taking leave of his friend, Sir Garrett Moore. He 'wept abundantly, giving a solemn farewell to every child

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III.

and every servant in the house, which made them all marvel, because in general it was not his manner to use such compliments.' It was afterwards remembered that his farewell to Chichester also was 'more sad and passionate than was usual with him.' On Monday he passed through Armagh to a house of his own near Dungannon, and there rested two nights. On Wednesday he crossed the Strabane mountains, and appears to have remained in the open during the night. During this day's journey, says Davies, 'it is reported that the Countess, his wife, being exceedingly weary, slipped down from her horse, and, weeping, said she could go no further; whereupon the Earl drew his sword, and swore a great oath that he would kill her on the place if she would not pass on with him, and put on a more cheerful countenance withal.' On Thursday morning they reached Burndennet, near Lifford. The Governor asked him and his son to dinner, but he perhaps feared detention, and pushed on during the afternoon and night to Rathmullen, where the French ship was lying. Tyrconnel had already arrived, and they appear to have sailed the next morning. Chichester afterwards discovered that O'Cahan wished to go too, but was unable to join the others in time.¹

Departure
of Tyrone,
Tyr-
connel,
and
Maguire.

Ninety-nine persons sailed in the vessel which carried Tyrone, Tyrconnel, and Maguire. Among the O'Neills were Lady Tyrone, her three sons Hugh, John, and Brian, and Art Oge, the son of Tyrone's brother Cormac. Among the O'Donnells were Tyrconnel's brother Caffar, with his wife Rose O'Dogherty, and his sister Nuala, who had left her husband Neill Garv. What, the Irish annalists ask, might not the young in this distinguished company have achieved if they had been allowed to grow up in Ireland? 'Woe to the heart that meditated, woe to the mind that conceived, woe to the council that decided the project of their setting out on

¹ Examination of Gawen Moore and William Kilmeny, mariners of Glasgow, August 30, 1606; Chichester to Salisbury, September 12, with enclosures; examination of John Loach, under 1607, No. 493; Davies to Salisbury, September 12, 1607; notes to O'Donovan's *Four Masters* under 1607; *Meehan*, chap. iv. As to O'Cahan see Chichester's statement calendared at 1608, No. 98.

this voyage without knowing whether they should ever return to their native principalities or patrimonies to the end of the world.'

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Tyrone's brother, Sir Cormac MacBaron, waited until they were clear gone and then hurried to Slane so as to be Chichester's first informant. 'Withal,' says Davies, 'he was an earnest suitor to have the *custodiam* of his brother's country, which perhaps might be to his brother's use by agreement betwixt them; and therefore, for this and other causes of suspicion, the constable of the Castle of Dublin has the *custodiam* of him.' Chichester returned to Dublin at once, and made arrangements for intercepting the fugitives should they put into Galway or into any of the Munster harbours. A cruiser on the Scotch coast was ordered to be on the look out, and the Earl of Argyle was warned by letter. Bath kept well off the coast, and, after sighting Croagh Patrick mountain, endeavoured to run for Corunna. After thirteen days tossing he despaired of reaching Spain and tried to go to Croisic in Brittany. Losing their bearings, the fugitives were driven up channel nearly to the Straits of Dover, but escaped the English cruisers and landed at Quillebœuf in Normandy after being twenty-one days at sea. They had but little provisions and were much crowded, but in no pressing want of money, for Tyrone had taken up his rents in advance. Boats were hired to convey the women and children to Rouen, while Tyrone rode with seventeen companions to meet the Governor of Normandy at Lisieux. Both parties were hospitably treated and supplied with wine and provisions by the country people. An application for their extradition was of course refused by Henry IV., but they were not allowed to stay in France nor to visit Paris. A month after leaving Lough Swilly they left Rouen, and made their way to Douai by Amiens and Arras.¹

Sir Cormac
MacBaron.

The
fugitives
reach
France,

but are
not allowed
to stay
there.

At Douai the Earls were met by Tyrone's son Henry,

¹ *Four Masters*, 1607; James Loach's examination, 1607, No. 493; Davies to Salisbury, September 12; *Meehan*, chap. iv. The latter narrative is mainly founded on an Irish manuscript by Teig O'Keenan written in 1608 and preserved at St. Isidore's, Rome, a specimen of which was printed by O'Donovan in his notes to the *Four Masters*, 1607.

CHAP.
III.

The Earls
in
Flanders,
Douai.

Enter-
tained by
Spinola at
Brussels.

The Earls
not
allowed
to go to
Spain.

Reasons
for
Tyrone's
flight.

who commanded the Irish regiment, and by all the captains serving under him. Among those captains was Tyrone's nephew, Owen MacArt O'Neill, afterwards so famous as Owen Roe, and Thomas Preston, scarcely less famous as his colleague, rival, and at last enemy. The Irish students in the seminary feasted them and greeted them in Latin or Greek odes and orations. Florence Conry and Eugene MacMahon, titular archbishops of Tuam and Dublin, met them also. At Tournai the whole population with the archbishop at their head came out to meet them. They then went on to Hal, where they were invited by Spinola and many of his officers. The captor of Ostend lent his carriage to take them to the Archduke at Binche, where they were received with much honour, and he afterwards entertained them at dinner in Brussels. Tyrone occupied Spinola's own chair, with the nuncio and Tyreconnel on his right hand, the Duke of Aumale, the Duke of Ossuna, and the Marquis himself being on his left. The Earls left the city immediately afterwards and withdrew to Louvain, where they remained until the month of February. Edmondes remonstrated with the President Richardot about the favour shown to rebels against his sovereign, but that wily diplomatist gave him very little satisfaction. The greater part of the Irish who came over with Tyrone or who had since repaired to him were provided for by the creation of two new companies in Henry O'Neill's regiment, but the Earls were not allowed to go to Spain, and when they left Louvain in February 1608 they passed through Lorraine to avoid French territory, and so by Switzerland into Italy. According to information received by the English Privy Council, the Netherlanders were glad to be rid of them, they having 'left so good a memory of their barbarous life and drunkenness where they were.'¹

Though there is no reason to suppose that any treachery was intended, Tyrone can hardly be blamed for mistrusting

¹ *Meehan*, chap. iv. ; list of Irish captains in Archduke's army, July 22, 1607 ; Letters of Sir Thomas Edmondes to the English Government, October 1607 to the following March ; Privy Council to Chichester, March 8, 1607-8. 'A most lewd oration' spoken before the Earls at Douai is calendared at January 25, 1608.

CHAP.
III.Lord
Howth.Howth
gives in-
formation.

the English Government and avoiding London. He told Sir Anthony Standen at Rome that it was 'better to be poor there than rich in a prison in England.' And yet this may have only been a pretext, for his eldest son Henry told Edmondes that he believed the principal grievances to be religion, the denial of his jurisdiction over minor chiefs in Ulster, and the supposed intention of erecting a presidency in that province. Many obscure rumours preceded his flight. In February 1607 George St. Lawrence or Howth gave evidence of a plot to surprise Dublin Castle and to seek aid from Spain; but he incriminated no one except Art MacRory MacMahon and Shane MacPhilip O'Reilly. He was probably a relation of Sir Christopher St. Lawrence, who became twenty-second Baron of Howth in the following May, but it does not appear how far they acted in unison. The new Lord was a brave soldier, who had fought for Queen Elizabeth at Kinsale and elsewhere, but was both unscrupulous and indiscreet. In 1599, according to Camden, he had offered, should Essex desire it, to murder Lord Grey de Wilton and Sir Robert Cecil. Under Mountjoy he had done good service in command of a company, but the gradual reduction of the forces after Tyrone's submission left him unemployed, and he was very needy. Chichester wished to continue him in pay, or at least to give him a small pension, so that he might be saved from the necessity of seeking mercenary service abroad. Nothing was done, and he went to Brussels in the autumn of 1606, but had little success there. Chichester suggested that the Archduke's mind should be poisoned against him, so that he might come home discontented and thus dissuade other Irish gentlemen from seeking their bread in the Spanish service. That Howth was known to be a Protestant, even though he might occasionally hear a mass, was probably quite enough to prevent the Archduke from employing him. Among the Irish residents there was his uncle the historian, Richard Stanihurst, and another priest named Cusack, also related to him, and from them he heard enough to make him return to London and to give information to Salisbury. By the latter's advice probably he returned to the Netherlands, where he

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III.

met Florence Conry, the head of the Irish Franciscans, who told him that it was decided to make a descent on Ireland 'within twenty days after the peace betwixt the King our master and the King of Spain should be broken.' Spinola or some other great captain was to command the expedition, Waterford and Galway to be the places of disembarkation. Conry himself was to go to Ireland to sound the chief people, and it appears from the evidence of a Franciscan that he was actually expected to arrive in the summer of 1607, but that he did not go there. Howth advised a descent near Dublin, and according to his own account he made this suggestion so as to ensure failure. He said there was a large sum ready for Tyrconnel's use at Brussels, and this was probably the very money afterwards given to Maguire for the purchase of a ship. This information was supplemented by that of Lord Delvin, and there was doubtless a strong case against Tyrconnel. Against Tyrone there was nothing but hearsay rumours as to his being involved with the others. Tyrconnel divulged to Delvin a plan for seizing Dublin Castle with the Lord Deputy and Council in it: 'out of them,' he said, 'I shall have my lands and countries as I desire it'—that is, as they had been held in Hugh Roe's time. His general discontent and his debts were quite enough to make him fly from Ireland, and this disposition would be hastened by the consciousness that he had been talking treason, and perhaps by the knowledge that his words had been repeated. Spanish aid could not be hoped for unless there was a breach between England and Spain; and of that there was no likelihood. Tyrone must have understood this perfectly well, but Chichester had long realised that he would always be discontented at having lost the title of O'Neill and the tyrannical jurisdiction exercised by his predecessors. Perhaps he really believed there was an intention to arrest him in London. Some sympathy may be felt for a man who had lived into an age that knew him not, but the position which he sought to occupy could not possibly be maintained.¹

Lord
Delvin.

Uncer-
tainty as
to the
facts.

¹ Statements made by Christopher Lord Howth between June 29 and August 25, 1607, No. 336; Lord Delvin's confession, November 6, 1607;

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III.

Rumoured
plot to
seize
Dublin.

Chi-
chester's
surmises
as to
Tyrone's
flight.

On May 18, 1607, an anonymous paper had been left at the door of the Dublin council chamber, the writer of which professed his knowledge of a plot to kill Chichester and others. According to this informer the murders were to be followed by the seizure of the Castle and the surprise of the small scattered garrisons. If James still refused to grant religious toleration, the Spaniards were to be called in. Howth was not in Ireland, but Chichester noticed that the anonymous paper was very like his communications to Salisbury. He arrived in Ireland in June, when he was at once subjected to frequent and close examinations. Chichester was at first very little disposed to believe him, but the sudden departure of the Earls went far to give the impression that he had been telling the truth. 'The Earl of Tyrone,' said the Deputy when announcing the flight, 'came to me oftentimes upon sundry artificial occasions, as now it appears, and, by all his discourses, seemed to intend nothing more than the preparation for his journey into England against the time appointed, only he showed a discontent, and professed to be much displeased with his fortune, in two respects: the one, for that he conceived he had dealt, in some sort, unworthily with me, as he said, to appeal from hence unto his Majesty and your lordships in the cause between Sir Donald O'Cahan and him; the other because that notwithstanding he held himself much bound unto his Majesty, that so graciously would vouchsafe to hear, and finally to determine the same, yet that it much grieved him to be called upon so suddenly, when, as what with the strictness of time and his present poverty, he was not able to furnish himself as became him for such a journey and for such a presence. In all things else he seemed very moderate and reasonable, albeit he never gave over to be a general solicitor in all causes concerning his country and people, how criminal soever. But now I find that he has been much abused by some that have

examination of John Dunn, February 14, 1606-7; examination of the Franciscan James Fitzgerald, October 3, 1607; secret information in Wotton's handwriting, 1607, No. 897; Chichester to Devonshire, April 23, 1606, after the latter's death, but before it was known in Ireland.

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III.

The
question
involved in
obscurity.

Lord
Delvin is
suspected.

cunningly terrified and diverted him from coming to his Majesty, which, considering his nature, I hardly believe, or else he had within him a thousand witnesses testifying that he was as deeply engaged in those secret treasons as any of the rest whom we knew or suspected.' There is here nothing to show that any treachery was intended to Tyrone in England, but there was a report in Scotland that he would never be allowed to return into Ireland. And so the matter must rest. Tyrone was now old, his nerves were not what they had been, and if he believed that he would be imprisoned in London, that does not prove that any such thing was intended.¹

Lord Howth was not the only magnate of the Pale who was concerned in the intrigues which led to the flight of Tyrone and the plantation of Ulster. Richard Nugent, tenth Baron of Delvin, a young man of twenty-three, was son to the Delvin who wrote an Irish grammar for Queen Elizabeth and nephew to William Nugent who had been in rebellion against her. He had been knighted by Mountjoy in Christchurch, Dublin, at the installation of Rory O'Donnell as Earl of Tyrconnel, and had a patent for lands in Longford which the O'Farrells had asked him to accept on the supposition that they were forfeited to the Crown. It turned out that there had been no forfeiture, and he was forced to surrender, Salisbury remarking that the O'Farrells were as good subjects as either he or his father had been. The business had cost him 3,000*l.*, and he was naturally very angry. His mother was an Earl of Kildare's daughter, and Sir Oliver St. John told Salisbury that he was 'composed of the malice of the Nugents and the pride of the Geraldines.' He became involved in Howth's schemes, and confessed that he had 'put buzzes into the Earl of Tyrone's head,' telling him that he had few friends at Court and that the King suspected his loyalty. For his own part he was willing to join in an attack on the Castle, provided a Spanish army landed,

¹ State Papers, *Ireland*, 1607, especially Chichester to Salisbury, May 27, September 8; Discourses with Lord Howth, No. 336; Chichester to the Privy Council, September 7 and 17.

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III.

but he would not agree to the murder of the Lord Deputy, 'for he hath ever been my good friend.' Delvin was lodged in the Castle, but there was evidently no intention of dealing harshly with him, for he was allowed the society of his secretary, Alexander Aylmer, a good old name in the Pale, and of a servant called Evers. Aylmer and Evers with some help from others managed to smuggle in a rope thirty-five yards long, though the constable had been warned that an escape was probable, and the young lord let himself down the wall and fled to his castle of Cloughoughter on a lake in Cavan. The constable, whose name was Eccleston, was afterwards acquitted by a jury, but lost his place. From Cloughoughter Delvin wrote to Chichester pleading his youth and his misfortune in being duped by Howth. He had run away only to save his estate, which would surely have been confiscated if he had been carried to England. Chichester was willing to believe him, and offered to accept his submission if he would surrender within five days and throw himself on the King's mercy. His wife and his mother, who was supposed to have brought him up badly, were restrained at a private house in Dublin, but were afterwards allowed to go for a visit fourteen miles from Dublin.¹

Delvin
escapes
from the
Castle.

Being pressed by the troops Delvin stole out of Cloughoughter with two companions, leaving his infant son to be captured and taken to Dublin. He had married Jane Plunkett, and her brother Luke, afterwards created Earl of Fingal, made matters worse by reporting that Delvin had expressed a wish to kill Salisbury, a charge which was stoutly denied. Howth was mixed up with this as with all the other intrigues. Delvin was 'enforced as a wood kerne in mantle and trowsers to shift for himself' in the mountains, and was doubtless miserable enough. After wandering about for more than four months he appeared suddenly one day in the Council chamber, and submitted unconditionally with many expressions of repentance. Salisbury had already pardoned

Delvin
tires of his
wander-
ings,

submits,

¹ Lodge's *Peerage* (Archdall), i. 237, and the State Papers, *Ireland*, calendared from September 8 to November 27, 1607; Lords of the Council to Chichester, May 11, 1611.

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III.

And is
pardoned.

any offence against himself, and the King was no less merciful. Delvin was sent to England a prisoner, but the charge of complicity in O'Dogherty's conspiracy was probably not believed, for he received a pardon under the Great Seal of Ireland. He enjoyed a fair measure of favour at Court, though he became a champion of the Recusants, and in 1621 he was created Earl of Westmeath.¹

Florence
Conry.

When Hugh Roe O'Donnell died at Valladolid in 1602 he was attended by friar Florence Conry, whom he recommended to Philip III. Conry, who was Tyrone's emissary in Spain, became provincial of the Irish Franciscans and later Archbishop of Tuam, but never ventured to visit his diocese. He passed and repassed from Madrid to Brussels and employed Owen Magrath, who acted as vice-provincial, to communicate with his friends in Ireland.

Lady Tyr-
connel.

Magrath brought eighty-one gold pieces to Lady Tyrconnel and tried to persuade her to follow her husband abroad. Other priests gave the same advice, but the lady, who had been Lady Bridget Fitzgerald, had not the least idea of identifying herself with rebellion. She was unwilling to forswear the society of the clergy, but ready to give Chichester any help in her power. She knew nothing of her husband's intention to return as an invader, but 'prayed God to send him a fair death before he undergo so wicked an enterprise as to rebel against his prince.' Magrath was mixed up with Howth and Delvin; but Chichester, though he succeeded in arresting the friar, could get little from him. He was tried for high treason and actually found guilty, mainly upon Delvin's evidence, who swore that he had disclosed to him a conspiracy for a Spanish descent on Ireland. Philip indeed would not show himself, 'but the Pope and Archduke will; at which the King of Spain will wink, and perchance give some assistance under hand.' Chichester saw that Magrath was old and not very clever, and advised that he should be allowed to live in Ulster, for Delvin was repentant and would be glad to impart anything that he learned from him. James

Delvin
gives
evidence
against a
friar.

¹ Instructions for Sir A. St. Leger, December 21, 1607; Chichester to the Privy Council, June 3, 1608; Warrant for pardon, July 18.

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III.

readily pardoned Magrath, the English Council shrewdly remarking that it was more important that Delvin should have given evidence against a friar 'than to take the life of one where there are so many.' Lady Tyrconnel was sent to England and received a pension, and James is said to have wondered that her husband could leave so fair a face behind him. She afterwards married the first Lord Kingsland; her daughter by Tyrconnell had a curiously adventurous career.¹

Lady Tyrconnel
at Court

James thought it necessary to publish a declaration for the enlightenment of foreign countries as to the true reason of the Earls' departure, not in respect of any worth or value in those men's persons, being base and rude in their original. They had no rights by lineal descent, but were preferred by Queen Elizabeth for reasons of State, and fled because inwardly conscious of their own guilt. The King gave his word that there was no intention of proceeding against them on account of religion. Their object was to oppress his subjects, and the less said about their religion the better, 'such being their condition and profession to think murder no fault, marriage of no use, nor any man to be esteemed valiant that did not glory in rapine and oppression.' They had laboured to extirpate the English race in Ireland and could not deny their correspondence with foreign princes 'by divers instruments as well priests as others.' James assured himself that his declaration would 'disperse and discredit all such untruths as these contemptible creatures, so full of infidelity and ingratitude, shall disgorge against us and our just and moderate proceedings, and shall procure unto them no better usage than they would should be offered to any such pack of rebels born their subjects and bound unto them in so many and such great obligations.'²

Manifesto
of James
as to the
flight of
the Earls.

¹ Chichester to Salisbury with enclosure, October 2, 1607; Examination of Father Fitzgerald, October 3; Chichester to Salisbury, July 2, 1609, and the answer, August 3; Delvin's Confession, November 6, 1607. The account of Lady Tyrconnel at p. 235 of the *Earls of Kildare* is very incorrect. A short notice of Mary Stuart O'Donnell is in the *Dict. of National Biography*, xli. 446 b.

² Declaratio super fugam comitum de Tyrone et Tyrconnel, non propter

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III.

Tyrone
and
Tyrconnel
expose
their
grievances.

While at Louvain, and no doubt by way of answer to the royal declaration, both Tyrone and Tyrconnel caused expositions of their grievances to be drawn up, and these documents are still preserved in London, but do not appear to have been ever transmitted to the Irish Government. No rejoinder to them or criticism of them is known to exist, and they must be taken for what they are worth as *ex parte* statements. Religion is placed in the forefront of both manifestoes, in general terms by Tyrconnel, but more specifically by Tyrone, the proclamation of July 1605 having been promulgated by authority in his manor of Dungannon.

Their
position in
Ulster was
impossible.

But the case for the Earls mainly consists in an enumeration of their difficulties with the Irish Government officials, and it may well be believed that many underlings exercised their powers harshly and corruptly. What appears most clearly is that the local domination of an O'Neill or an O'Donnell, even though they wore earls' coronets, was inconsistent with the modern spirit. They found the position of subjects intolerable. By their flight they hastened the progress of events, but their stay in Ireland could not very long have retarded it.¹

Tyrone
and his
company
leave the
Nether-
lands.

Tyrone and the rest left Louvain on February 17, the Spanish authorities having with much difficulty and delay found money enough to speed the parting guests. Edmondes wrote to Charles of Lorraine reminding him of his near relationship to the King of England and also of the fact that 'these fugitives and rebels had found the door shut in Spain, where the King would not admit them out of respect and friendship to King James.' The Duke let them pass through his country, and afterwards appeared to have been greatly impressed in their favour, as such a champion of the Roman Church would naturally be. Their expenses were paid by him while in Lorraine, and he entertained them sumptuously

The
Duke of
Lorraine.

virtutes sed ob rationes status ad honores promotorum—Rymer's *Fœdera*, xvi. 664, November 15, 1607. Bacon probably had a hand in this, having received a full account from Davies, which he answered on October 23—Spedding's *Life*, iv. 5.

¹ Cal. of State Papers, *Ireland*, 1607, Nos. 501 and 503; James Bathe to Salisbury, January 9, 1607-8.

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III.Arrival
in Italy.

in his palace at Nancy. They travelled by Basel and Lucerne to the St. Gothard, and one of O'Donnell's sumpter horses fell over the Devil's Bridge and was lost, with a large sum of money. The monks received them at the hospice, and on their descent into Italy they were well received at Faido, Bellinzona, and Como. Fuentes, the Governor of Milan, went out to meet them with his staff. They were lodged at the hostelry of the Three Kings and handsomely entertained there at the governor's expense. Cornwallis at Madrid and Wotton at Venice complained loudly, and received soft answers. Salisbury told Cornwallis to make little of the fugitive Earls and to describe them as mere earthworms; and the ambassador bettered the instruction by saying that he esteemed them and all their company as so many fleas. The Spanish officials replied that Fuentes was generally hospitable to strangers, but that the King's government had no idea of countenancing the exiles.

The Earls
are ex-
cluded
from
Venetian
territory.

Wotton easily persuaded the anti-Romanist and lately excommunicated Doge to exclude the Irish party from Venetian territory, and a person in his confidence followed Tyrone privately wherever he went. The exiles received 1,000 crowns from Fuentes, of which they complained as much below their expectations. They were well received at Parma and Reggio, and reached papal territory at Bologna, where Cardinal Barberini, afterwards Urban VIII., was then governor. From Ancona they made a pilgrimage to Loretto, and travelling by Foligno, Assisi and Narni, they came in sight of Rome on April 29. Several cardinals, in much state and with great retinues, went out to meet them at the Milvian bridge. One coach, which, according to Wotton's informant, was borrowed by Parsons, contained Englishmen, and others came to see Tyrone inside the city. The Salviati palace in the Borgo was assigned to the exiles as a residence by Paul V. After this Tyrone sometimes showed himself in a coach with Tyrconnel and Peter Lombard the titular Primate of Ireland, who had never seen his see.¹

They reach
Rome.

¹ Edmondes to the Duke of Lorraine, January 12, 1607-8; to Salisbury, January 28, February 18 and March 30; Wotton's letters for April and

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III.

The return
of the
Earls long
expected.

‘I know not,’ said Chichester, ‘what aid or supportation the fugitives shall receive from the Spaniard or Archduke, but the kind entertainment they have received compared with the multitude of pensions given to base and discontented men of this nation, makes them there and their associates and well wishers here to give out largely, and all wise and good subjects to conceive the worst. I am many ways assured that Tyrone and Tyrconnel will return if they live, albeit they should have no other assistance nor supportation than a quantity of money, arms, and munition, with which they will be sufficiently enabled to kindle such a fire here (where so many hearts and actors affect and attend alteration) as will take up much time with expense of men and treasure to quench it.’ These rumours continued while Tyrone lived, and after his death his son was expected. Exiles are generally sanguine, and the friars and Jesuits kept up constant communication with Spain and the Netherlands; but the decadent Spanish monarchy could never make an attempt on Ireland or give any serious trouble until England was at war with herself.¹

May, 1608; information in Wotton’s hand, No. 897, State Papers, Ireland; *Meehan*, chap. 7, with the Doge Donato’s letter at p. 270; Salisbury to Cornwallis, September 27, 1607, in Winwood’s *Memorials*, and Cornwallis to the Privy Council, April 19, 1608, *ib.*

¹ Chichester to Northampton, February 7, 1607-8, printed in *Ulster Journal of Archaeology*, i. 180, from Cotton MS. Tit. B. x. 189.

CHAPTER IV

REBELLION OF O'DOGHERTY, 1608

CHAP.
IV.Ante-
cedents
of Sir
Cahir
O'Dogh-
erty.

THE wild territory of Inishowen between Lough Foyle and Lough Swilly had been for ages in possession of the O'Dogherty clan, who were, however, not quite independent either of O'Neill or O'Donnell. Sir John O'Dogherty, who held Inishowen by patent, died in December 1600, and Hugh Roe O'Donnell set up his brother Phelim in his stead, to the exclusion of his son Cahir, whom he kept in his own power. Cahir's foster-brethren, the MacDavitts, appealed to Sir Henry Docwra, and he persuaded O'Donnell to release the young man, whom the Government then adopted as chief. After the accession of James, though not with Devonshire's good will, Sir Cahir, who had been knighted for good service in the field, was confirmed by the King in his father's possessions. The island of Inch was leased to another, but after Devonshire's death the King agreed to restore it. Tyrconnel complained bitterly that Inishowen was excepted from his grant, and Tyrone grumbled at losing an annual rent of sixty cows out of it, 'never before your Majesty's reign brought to any question.' Docwra was Sir Cahir's steady friend, but Devonshire's extreme leaning to Tyrone's side made his position intolerable, and he left Ireland in 1606, having sold his land at Derry to George Paulet, the Marquis of Winchester's son. He was allowed to compound with Paulet for his company of foot and the vice-provostship of Derry, and this was done with Devonshire's approval on the ground that there was 'no longer use for a man of war in that place.' The King's letter describes Paulet as 'of good sufficiency and of service in the wars,' but Chichester was not of that opinion. He was established at Derry at the beginning of 1607, and was soon at daggers drawn,

Docwra
leaves
Derry,
1606,

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IV.

and is
succeeded
by Sir
George
Paulet.

O'Dogh-
erty is
suspected.

Paulet's
violent
behaviour.

not only with the neighbouring Irish chiefs, but with the Protestant bishop Montgomery. At the same time he neglected, notwithstanding Chichester's repeated warnings, to post sentries or to keep any regular look-out. His ill-temper made him disliked by his own men, and they despised him for his evident incompetence. After the flight of the Earls Sir Cahir O'Dogherty was one of the commissioners especially appointed for the government of Tyrone, Donegal, and Armagh, Paulet and Bishop Montgomery being among his colleagues. His ambition at this time was a place at Court. He excited suspicion by landing a few armed men upon Tory island, but the inhabitants seem to have consented. Sir Richard Hansard, who gave the first information, did not think that O'Dogherty meant much harm, for he never had more than seventy men, armed only those of Inishowen, and refused recruits from other districts. But Paulet took a view of the case which made his want of preparation inexcusable. He went with Captain Hart, the governor of Culmore, and others to O'Dogherty's castle of Burt on Lough Swilly, where Lady O'Dogherty, Lord Gormanston's sister, was living. He told O'Dogherty afterwards that he only went on a friendly visit, but to Chichester he said that he meant to seize the castle had he not found it well defended.

O'Dogherty remonstrated in a temperate letter and subscribed himself 'your loving friend,' but Paulet retorted that he was a traitor and that he left him to a provost-marshal and a halter. Three weeks later O'Dogherty went to Dublin, and protested his loyalty; but he was on good terms with O'Cahan, whose actions were also suspicious, and Chichester hardly knew what to think. Sir Cahir was at last suffered to depart after entering into a recognisance, himself in 1,000*l.* with Lord Gormanston and Sir Thomas Fitzwilliam in 500 marks each, to appear at all times upon twenty days' notice in writing, and not to leave Ireland without licence before Easter 1609. About the close of the year 1607, Sir Cahir was foreman of the Grand Jury who found a true bill for treason against Tyrone, Tyrconnel, and their chief adherents.¹

¹ Docwra's *Narration*; Cal. of State Papers, *Ireland*, for 1607; *Recog-*

CHAP.
IV.

In February 1608 O'Dogherty wrote to the Prince of Wales protesting his fidelity, and asking to be made one of the gentlemen of his privy chamber. On April 18, the very day on which he plunged into rebellion, an order was sent by the English Government to restore the island of Inch, and all other lands withheld from Sir Cahir, excepting only the fort of Culmore, which stood at the mouth of the Foyle, and thirty acres of land with it.

Paulet
insults
O'Dogh-
erty,

The Four Masters say, and this has often been repeated, that Paulet struck O'Dogherty, and that the insult drove him into rebellion. Paulet was certainly abusive, but a blow is not anywhere mentioned in the State correspondence, though no Englishman then in Ireland had anything to say in favour of the unfortunate governor, nor by Docwra, who could scarcely be ignorant of so remarkable a fact. O'Sullivan Bere, who published his history at Lisbon in 1621, says Paulet threatened to have O'Dogherty hanged, but he had evidently not heard of any blow. The Four Masters wrote in Donegal, between 1632 and 1636, but it is not certain that any of them were in Ireland in 1608; at all events there was time for the growth of a traditional addition to the facts. Whatever may have been the immediate cause of his outbreak, O'Dogherty behaved with so much treachery as to throw doubt upon all his recent professions. He invited Captain Hart, the governor of Culmore fort, to visit him at Buncrana. He complained that Lady O'Dogherty, who was of the Pale and had English tastes, suffered from the want of society, and therefore Mrs. Hart was pressed to accompany her husband. After dinner O'Dogherty took Hart into an upper room under pretence of privacy, spoke of Paulet's harsh conduct, and told his guest that he must die or surrender Culmore. Being disarmed, and told to choose, Hart refused to betray his trust. Lady O'Dogherty then entered the room in tears, upbraided her husband and his accomplices, and called heaven to witness that she was no party to the plot. O'Dogherty threatened to throw both her and his prisoner over the walls, and told

who
becomes
an open
rebel,

nissance in Chancery and Indictment of Tyrone, &c., calendared under June 1608; O'Dogherty to the Prince of Wales, February 14, 1608.

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and seizes
a fort.

O'Dogh-
erty
surprises
Derry.

Mrs. Hart that she must devise some means of seizing Culmore or die with her husband, her children, and the whole garrison. He swore upon a book that not one person should suffer if the fort were yielded quietly. At last she was frightened into going with O'Dogherty to Culmore and calling out some of the guard, saying that her husband lay hard by with a broken arm. Once outside the gate they were seized by the Irish, who rushed in and took the fort, surprising the rest of the garrison in their beds. Hart and his family were ferried over the Foyle and told to go to Coleraine, the soldiers escaping to Lifford during the confusion of that night.¹

O'Dogherty marched through the night and reached Derry at two o'clock in the morning of Tuesday, April 19, with scarcely a hundred men, not all of whom were armed. They divided at the bog-side, Sir Cahir attacking the lower forts where the storehouses were, and Phelim Reagh undertaking the governor's house on the high ground. Paulet escaped into Ensign Corbet's house, and there a short stand was made. Corbet fought with and wounded Phelim, but was struck down from behind. His wife killed the man who had dealt the fatal blow, and was herself slain. Paulet fell by the hand of Owen O'Dogherty. Lieutenant Gordon jumped from his bed, seized a rapier and dagger and ran out naked, killing two of the assailants and calling upon the soldiers to fight for their lives. He also was overpowered and killed. Lieutenant Baker gathered a few men together and attempted to retake the lower fort, but was ill supported, and retired into Sheriff Babington's house. That house and the bishop's were held till noon, but O'Dogherty's force was constantly increasing, a piece of cannon was brought up from Culmore, and Baker, who had no provisions or ammunition, thought it best to make terms. A written undertaking was given that every man should

¹ Hart's narrative enclosed in Chichester's despatch of May 4, disproving Cox's statement that the garrison were murdered. *O'Sullivan*, Tom. iv. Lib. 1, cap. 5: 'Georgius Paletus Luci (Derry) præfectus Anglus eques auratus O'Dochartum conviciis onerat, minans se facturum, ut ille laqueo suspendatur.' Cox, writing in 1690, mentions a report that Paulet had given O'Dogherty a box on the ear.

depart with his sword and clothes, and the women with their clothes. Lady Paulet and Mrs. Susan Montgomery, the bishop's wife, remained prisoners with O'Dogherty. According to O'Sullivan all Protestants were slaughtered, and all Catholics safely dismissed, but the total number killed did not exceed ten on either side. Lieutenant Baker, to use the language of Sir Josiah Bodley, was in 'great grace and reputation,' for he alone survived of those who had distinguished themselves on the fatal morning. He settled in Ulster, and his namesake, perhaps his descendant, was governor in that later siege which has made the name of Derry for ever famous.¹

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Treatment
of the
garrison.

Before leaving Derry Phelim Reagh, who thought the place untenable by a small force, deliberately burned Bishop Montgomery's library in sight of his men. O'Sullivan says there were '2,000 heretical books,' and that the bishop vainly offered a hundred pounds ransom for his collection. Having set fire to the buildings and to two corn ships which lay near, Phelim removed to Culmore, taking some guns with him in two boats and throwing the rest into the sea. Doe Castle on Sheep Haven was also surprised, and Captain Henry Vaughan taken prisoner. Captain John Vaughan abandoned Dunalong and fled with his men to Lifford, and a few Scotch settlers at Strabane did the same. There O'Dogherty's successes ended. Sir Richard Hansard, who never ceased to take the precautions which Paulet neglected, easily maintained himself at Lifford, and help was not long in coming. At the beginning of May Chichester sent all his available forces to Ulster. The officers in charge were Sir Richard Wingfield, Marshal of the army since 1600, and Sir Oliver Lambert, then more hated and feared than any English soldier. Sir Thomas Ridgeway, an energetic man who had succeeded Carey as vice-treasurer, accompanied them without Chichester's knowledge. After inspecting the garrisons about

The
Bishop's
library
burned.

Collapse of
the insur-
rection.

¹ Bodley's letter of May 3; Chichester's of May 4, enclosing Hart's and Baker's own narratives; *News from Ireland concerning the late treacherous action, &c.*, London, 1608; O'Sullivan *Bere ut sup.*; *Four Masters*, 1608.

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Derry
re-occu-
pied.

The rebels
abandon
Culmore.

Pursuit of
O'Dogh-
erty.

Lough Neagh and the Blackwater, and warning them to be on their guard, Wingfield and his colleagues reached Derry on May 20. They found earthworks, walls and chimneys not much damaged, but everything that would burn had been reduced to ashes, except the wooden roof of the cathedral. Ridgeway was in doubt whether they had found this roof too high to set fire to, or whether they spared it out of respect to St. Columba, 'the patron of that place, and whose name they use as their word of privity and distinction in all their wicked and treacherous attempts.' According to the terms of the recognisance in which he was bound, Chichester's letter summoning O'Dogherty to appear before him was publicly read by Ridgeway at 'the half-burned house of Master Babington' in Derry, and at Sir Cahir's own castle of Ellagh not far off. Cabins were run up for the inhabitants of Derry, who had already returned to their homes, and enough cows and sheep to secure them against starvation were driven in from O'Dogherty's country. Phelim Reagh declared that he would die in defence of Culmore, but thought it more prudent to set the place on fire and to escape by water. The fort was quickly refitted and garrisoned. Parties were sent to scour the country as far as Dunaff and Malin Head, and Inishowen was completely cleared, 2,000 cows, 2,000 or 3,000 sheep and 300 or 400 horses were driven in, and Buncrana was burned 'as well from anger as for example's sake.' Armed resistance there was practically none. O'Dogherty had withdrawn into the territory of the MacSwineys west of Lough Swilly, and thither did Ridgeway and his colleagues pursue him. Even among the woods of Glenveagh he was unable to make any sort of defence, and it was said that he fled thirty-five miles in one march at the approach of the troops. Various plots having been laid for his betrayal, the army returned by Raphoe to Sir Cahir's principal castle of Burt on Lough Swilly. The garrison were divided in opinion, some thinking that they held the place for the King of Spain and others for O'Dogherty. They had but one life each, they said, which they owed to God; if they surrendered they would either

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be treated like dogs by the English or hanged by Sir Cahir, and so they might as well do their duty. One Dowding, or Dowling, a native of Drogheda, and presumably more civilised than the Inishowen men, at last proposed a capitulation, involving a jointure for Lady O'Dogherty and some provision of land for the rest. The answer of the English officers, who thought it 'intolerable strange for a King's army to make jointures for ladies with the cannon,' was to place two pieces of artillery in position. The Irish, whose chief leader was a monk, said they would put Mrs. Montgomery in the breach, but no breach was made, and they all surrendered at discretion after the second shot. Mrs. Montgomery and Captain Brookes' son were, in Ridgeway's quaint language, 'returned to their owners.' Sir Neill Garv O'Donnell and his two brothers, Lady O'Dogherty, her only daughter and her husband's sister, with their female attendants, were taken on board his Majesty's ship *Tramontana*, and Ridgeway went with them to Dublin, partly to avoid weakening Wingfield's force, and partly because he thought the enforced idleness of a voyage would make the ladies talk freely. Lady O'Dogherty fulfilled his expectation by indulging in ferocious invectives 'against Neill Garv for drawing her husband into rebellion.'¹

Surrender
of Burt
Castle.

Unable to cope with Wingfield in Donegal, O'Dogherty made a descent upon Tyrone in the middle of June. Chichester had ordered all garrisons to keep close, and this policy was strictly adhered to. O'Dogherty was afraid to do much damage lest he should alienate the affections of Tyrone's late subjects, and he only took enough cattle to feed his following of about 800 men. He penetrated into Armagh, but soon wandered back into Donegal, making no attempt to relieve Burt, and pretending that its loss did not signify. After Ridgeway's departure Wingfield prepared to attack Doe Castle, and while he waited at Kilmacrenan for his artillery, the enemy, about 700 strong, unexpectedly came in sight. Neill Garv had warned O'Dogherty not to

O'Dogh-
erty in
Tyrone,

and
Armagh,

¹ Ridgeway's Journal, June 30, and his letter to Salisbury of July 3. O'Sullivan, *Compendium*, Lib. i. cap. 5.

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but is
killed by
Irish
soldiers.

fight, but he neglected this advice and was killed by Irish soldiers who wanted his land. His head was sent to Dublin and stuck upon a spike over the new gate. Within a few days Doe Castle succumbed to a heavy cannonade, and Lough Eske was surrendered by O'Gallagher, who was foster-father to Tyrconnel's son. Chichester received the news of O'Dogherty's death at Dundalk, and at once issued a proclamation warning the people of Ulster that those who received or protected any of the late rebel's followers would be regarded as traitors themselves. All who delivered up any of the delinquents dead or alive were promised free pardons and the goods of the person so given up. Phelim Reagh MacDavitt alone was excluded from all hope of pardon.¹

Ruthless
suppression
of the
rebellion,

which is
condemned
by an Irish
jury.

Chichester had announced that the war should be made 'thick and short,' and his proclamation was well suited for the purpose. About fifty of the O'Hanlons were in arms near Mount Norris, but they were quickly dispersed with great loss on his arrival at that fort, and the prisoners hanged by martial law. O'Cahan's brother Shane Carragh was soon afterwards brought in by the MacShane O'Neills to the post at Mountjoy. At Armagh the grand jury, almost entirely Irish, found a bill against all who were in rebellion. Being a man of importance Shane Carragh was tried by jury at Dungannon and hanged, and it was noted that the solemnity of the trial made a great impression upon the natives, who were accustomed to see summary sentences carried out at the nearest tree. The jurors were Irishmen, who attended as readily as when Tyrone was present, and the monk who had commanded at Burt voluntarily purchased life and liberty by renouncing the Pope and conforming publicly. Chichester then marched through Glenconkein, 'where the wild inhabitants,' according to Davies, 'wondered as much to see the King's Deputy as the ghosts in Virgil wondered

¹ Chichester to the Privy Council, July 6, and the proclamation dated next day; *Four Masters*, 1608, with O'Donovan's notes; Sir Donnell O'Cahan to his brother Manus (from the Tower), June 1, 1610. Manus gave the letter to Chichester.

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to see Aeneas alive in hell.' At Coleraine he heard of the capture of Sir Cahir's illegitimate brother, whom the people wished to make O'Dogherty, of Owen O'Dogherty who killed Paulet, and of Phelim Reagh MacDavitt, who was regarded as the contriver of the whole rising. Phelim, who was hunted into a wood and found there after long search, made a stout resistance and was wounded, but great care was taken to keep him alive for his trial. He was taken to Lifford, where he made statements very damaging to Neill Garv, and was then hanged with twenty others. Chichester returned to Dublin at the beginning of September, leaving only the very dregs of a rebellion behind him.¹

Phelim
Reagh
Mac-
Davitt.

Shane MacManus, Oge O'Donnell, who aspired to be the O'Donnell, was the last to hold out with about 240 men in Tory and the adjacent smaller islands. Sir Henry Ffolliott, the governor of Ballyshannon, finished the business in a very ruthless manner. On his way he took the island stronghold at Glenveagh, which was held by an O'Gallagher, 'one of Tyrconnell's fosterers, who killed three or four of his best associates after he yielded up the island, for which we took him into protection.' Of armed resistance there was not much, but Ffolliott's task was made difficult by foul winds upon that rough coast, and he failed to capture Shane MacManus, who escaped with the bulk of his followers by boat into Connaught, preferring to trust to Clanricarde's clemency, but leaving eleven men in the castle on Tory island, where Ffolliott found them. The constable called to Sir Mulmore MacSwiney, begging to be allowed to see the English commander and promising service. MacSwiney let him come out, and he was induced by Ffolliott to purchase his life by betraying the castle and taking the lives of seven out of the ten men in it. A MacSwiney who was one of the garrison was also admitted to a parley and made the like promise, but the constable got back first, 'each of them,' says Ffolliott, 'being well assured and resolved to cut the other's throat.' He killed two of his followers and the rest scattered

Severities
in Tory
Island.

¹ Davies to Salisbury, August 5, 1608; Chichester to the Privy Council, September 12.

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The rebels
destroy
each other.

into the rocks, where he shot one. Ffolliott kept him to his promise of seven heads, which were to be taken without help from the soldiers. One of the others turned and stabbed his late leader to the heart and was then killed by one of his own companions. Three others were killed in the scuffle. Shane MacManus's boat was found in the island of Arran, while his mother with a boy of ten and a girl of eleven remained prisoners. 'And so,' reported Ffolliott, 'there were but five that escaped, three of them churls and the other two young boys. . . . Shane MacManus is deprived of his mother and two children and his boat, which I think he regards more than them all.'¹

Fate of
Neill Garv
O'Donnell.

Sir Neill Garv O'Donnell gave no effectual help against O'Dogherty, and he was really a fellow-conspirator. Lifford, Ballyshannon and Donegal were to be seized by him and his friends, while Sir Cahir took Derry and Culmore, and all plunder was to be divided equally between them. Sir Neill was to have Burt Castle and whatever rights O'Donnell had over Inishowen, as long as he could hold his own. He continued, however, to profess loyalty and to urge his claims over the whole of Tyrconnel. O'Dogherty's country he regained by special grant, but he was an abettor, if not the principal contriver, of the Derry surprise, gave advice about the mode of attack, sent sixteen men of his own to help, and charged O'Dogherty to spare no one. All this was not certainly known until later, and Sir Neill obtained protection from Wingfield, whom he accompanied on his expedition into Donegal. He was soon again in communication with the rebels, was arrested at Glenveagh and sent a prisoner to Dublin, but it was not until June, 1609, that a Donegal jury could be sworn in the King's Bench there. The jurors were Irishmen and not of very high position, for the English settlers and the principal natives had served on the grand jury which found the bill. Davies offered no evidence as to Sir Neill's complicity in the Derry affair, though there could be no doubt of the fact, because it might be held that the

Irish juries
will not
find ver-
dicts for
treason.

¹ Chichester to the Privy Council, September 12 and 17, the latter enclosing Ffolliott's narrative.

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treason was covered by Wingfield's protection. There was good proof of the breach of that protection by aiding and abetting the King's enemies, but the jury were shut up from Friday till Monday and almost starved to death. They refused to find a verdict of treason on the ground that Sir Neill had not been actually in arms against the King, and it was believed that they had bound themselves by mutual oath not to find the lord of their country guilty. They were discharged 'in commiseration of their faintings and for reasons concerning his Majesty's service.' 'The priests,' said Davies, 'excommunicate the jurors who condemn a traitor. The Irish will never condemn a principal traitor: therefore we have need of an English colony, that we may have honest trials. They dare not condemn an Irish lord of a country for fear of revenge, because we have not power enough in the country to defend honest jurors. We must stay there till the English and Scottish colonies be planted, and then make a jury of them.' There being no hope of a verdict, the lawyers could only suggest that Sir Neill should be tried by a Middlesex jury as O'Rourke had been in 1591. In any case he should be sent to England, for Dublin Castle was no safe place for a prisoner who was always trying to escape, and who had already been found with a rope long enough to 'carry him over the wall from the highest tower.' Sir Neill went to London in due course, and died in the Tower in 1626.¹

Neill Garv
is sent to
the Tower,

where he
dies.

The abortive rebellion of O'Dogherty made the fate of the six Ulster counties harder than it might otherwise have been. It was, say the Four Masters, 'from this rising and from the departure of the Earls that their principalities, their territories, their estates, their lands, their forts, their fruitful harbours, and their fishful bays were taken from the Irish of the province of Ulster, and were given in their presence to foreign tribes; and they were expelled and

The
effects of
O'Dogh-
erty's
rising.

¹ Davies on the juries, *State Papers, Ireland*, 1608, No. 801; his and Chichester's accounts of the trial, June 27 and July 4, 1609; abstract of evidence calendared at October 1609, No. 514; Letter to Bishop Montgomery from Ineen Duive, Hugh O'Donnell's mother and Tyrconnel's aunt, printed from Carte MSS. in O'Donovan's *Four Masters*, 2364.

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Fate of
O'Cahan.

banished into other countries, where most of them died.' Inishowen, which O'Dogherty held by patent independently of Tyrone, was separately forfeited, and the whole of it granted to Chichester himself. The failure of trial by Jury in Neill Garv's case prevented Davies from running a fresh risk with O'Cahan, who lay long in Dublin Castle, and was sent to the Tower late in 1609 in charge of Francis Annesley, afterwards Lord Mountnorris. Neill Garv and his son Naughton went in the same vessel. 'The boy,' said Chichester, 'has more wit than either of them,' and he had been at Oxford and at Trinity College, Dublin. No charge was made against him, but he was as proud as his father. O'Cahan remained a prisoner, and no doubt there was plenty of evidence against him, but Chichester, while carrying out the policy of the Home Government, scarcely hides his opinion that he had been badly treated, and that he had the reputation of a truth-telling man. As to the facts, the Lord Deputy's story tallies closely with that of Docwra. Writing as late as 1614, the latter says deliberately that 'O'Cahan, from the breach of my promise with him, derives, as well he may, the cause of all his miseries,' and he thought he would have done nothing rebellious if faith had been kept with him. He was never tried, and spent years in the Tower, where he probably died in 1628. A thousand acres of his old territory was granted, or perhaps only promised, to his wife Honora, with reversion to her son Donell, but the young man went to the Netherlands, returned in 1642 with Owen Roe O'Neill, and was killed at Clones. His elder brother Rory was hanged for his share in the conspiracy of 1615.¹

¹ Docwra's *Narration*, 283. Francis O'Cahan's petition calendared with the papers of 1649, p. 278, but evidently of a much earlier date. Hill's *Ulster Plantation*, 61, 235.

CHAPTER V

THE SETTLEMENT OF ULSTER

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Ulster
before the
settlement.

THE tribal system known to the writers of what are called the Brehon laws survived much longer in Ulster than elsewhere. In the other three provinces the Anglo-Norman invaders may not have made a complete conquest, but they had military occupation and many of their leaders took the position of Irish chiefs when the weakening power of the Crown made it impossible to maintain themselves otherwise. Yet they never forgot their origin, and were ready enough to acquiesce when the Tudor sovereigns reasserted their authority. But there were no Butlers, Fitzgeralds, or Barries in Ulster, while the Burkes withdrew into Connaught and assumed Irish names. For a long time the native clans were left almost to their own devices. Con Bacagh O'Neill, when he accepted the earldom of Tyrone in 1543 and went to England to be invested, took a long step towards a new state of things. Through ignorance or inadvertence the remainder was given to Matthew Ferdoragh, who was perhaps not an O'Neill at all. Shane O'Neill, the eldest son of undoubted legitimacy, kept the leadership of his clan, while insisting in dealing with the government that he was Con's lawful heir. Even Shane admitted that Queen Elizabeth was his sovereign. When the original limitation of the peerage took practical effect, and Hugh O'Neill became Earl of Tyrone, the feudal honour was most useful on one side while the tribal chieftaincy was still fully maintained on the other. In two cases, decided by the Irish judges in 1605 and 1608 respectively, gavelkind or inheritance by division among all males was abolished as to lands not forming part of the chief's demesne, and Tanistry as to the land of the elective chief. This purely

CHAP. V. judge-made law was followed in the settlement of Ulster with far too little regard to the actual state of things there.¹

The tribal system.

Without going into the technicalities of Celtic tenure it may be assumed for historical purposes that the Ulster Irish consisted of the free tribesmen who had a share in the ownership of the soil and the mixed multitude of broken men who were not only tolerated but welcomed by the great chiefs, but who were not joint proprietors though they might till the land of others. A large part of the inferior class consisted of the nomad herdsmen called *creaghts*, who were an abomination to the English. There was always much more land than could be cultivated in a civilised way, and the cattle wandered about, their drivers living in huts and sheds till the grass was eaten down, and, then removing to a similar shelter in another place. One main object was to turn these nomads into stationary husbandmen, and it was not at all easy to do. Still more troublesome were the 'swordsmen'—that is, the men of free blood whose business had always been fighting and who would never work. They formed the retinue of Tyrone and the rest, and when the chiefs were gone they had nothing to do but to plunder or to live at the expense of their more industrious but less noble neighbours. 'Many natives,' says Chichester, 'have answered that it is hard for them to alter their cause of living by herds of cattle and creaghting; and as to building castles or strong bawns it is for them impossible. None of them (the Neales and such principal names excepted) affect above a ballybetoe, and most of them will be content with two or three balliboes; and for the others, he knows whole counties will not content the meanest of them, albeit they have but now their mantle and a sword.' Some of these men owned land with or without such title as the law acknowledged. The radical mistake of the English lawyers was in ignoring the primary fact that land belonged to the tribe and not to the individual. It is true that the idea of private property was extending among the Irish, and that the hereditary principle tended

¹ *Le Case de Gavelkind*, 3 Jac., and *Le Case de Tanistry*, 5 Jac., in Davies' reports, 1628.

to become stronger, but the state of affairs was at best transitional, and the decision in the case of gavelkind went far in advance of the custom. Yet it might possibly have been accepted if Chichester's original idea had been followed. He wished first to distribute among the Irish as much land as they could cultivate, and to plant colonists on the remainder. What really happened was that everything was done to attract the undertakers, and as the rule of plantation allowed no Irish tenants to have leases under them the natives who remained were reduced to an altogether inferior position. The servitors were allowed to give leases to the Irish, whom they might keep in order by their reputation and by the possession of strong houses. But the amount of land assigned for this purpose was inadequate, and the Irish tenants, who for the most part were not given to regular agriculture, soon found themselves poor and without much hope of bettering their condition. Very light ploughs attached to the tails of ponies were not instruments by which the wilderness could be made to blossom like the rose. This system of ploughing certainly shows a low condition of agriculture, and it was general wherever estates were allotted to native gentlemen. 'Tirlagh O'Neale,' says Pynnar, 'hath 4,000 acres in Tyrone. Upon this he hath made a piece of a bawn which is five feet high and hath been so a long time. He hath made no estates to his tenants, and all of them do plough after the Irish manner.' Mulmory Oge O'Reilly had 3,000 acres in Cavan, lived in an old castle with a bawn of sods, and 'hath made no estates to any of his tenants, and they do all plough by the tail.' Brian Maguire, who had 2,500 acres in Fermanagh, lived in a good stone house and gave leases to some of his tenants, but even they held to the Irish manner of ploughing. A good many of the undertakers made no attempt to build, and of course the lands were in the occupation of Irishmen who were liable to be disturbed at any moment, and therefore very unlikely to improve.¹

Backward
state of
the
natives.

¹ A Ballyboe varied from sixty to 120 acres, and a Ballybetagh was about 1,000. An introduction to the very large and complicated question of Celtic tenures may be had through Maine's *Early History of Institutions* and Joyce's *Social History of Ancient Ireland*, 1903.

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First
schemes of
settlement.

The injustice of confiscating several counties for the default of certain chiefs is obvious to us, even if we admit that their forfeiture was just. But no Englishman at the time, not even Bacon, seems to have had any misgivings. The packet in which the flight of the Earls was announced contained a letter from Sir Geoffrey Fenton to Salisbury with the first rough sketch of the Ulster settlement. The old secretary pointed out that the opportunity had at last come for pulling down the proud houses of O'Neill and O'Donnell, for vesting all in the Crown, and for improving the revenue, 'besides that many well-deserving servitors may be recompensed in the distribution, a matter to be taken to heart, for that it reaches somewhat to his Majesty's conscience and honour to see these poor servitors relieved, whom time and the wars have spent even unto their later years, and now, by this commodity, may be stayed and comforted without charge to his Majesty.' A few days later Chichester wrote more in detail. His idea was to divide the land among the inhabitants as far as they were able to cultivate it. After that there would be plenty left for colonists, and to reward those who had served the King in Ireland. This was the course he advised; otherwise he saw nothing for it but to transplant all the people of Tyrone, Donegal, and Fermanagh with their cattle into waste districts, 'leaving only such people behind as will dwell under the protection of the garrisons and forts,' which were to be strengthened and multiplied. Sir Oliver St. John advised some garrisons and corporations, but relied rather upon making the Irish tenants of the Crown at high rents. The Irish, he said, were more used to esteem a landlord whom they knew than a king of whom they seldom heard. Make the King their landlord and they will turn to him, neglecting 'their wonted tyrants whom naturally they love not.' Salisbury had already turned his attention to the subject, and the Privy Council in England lost no time in expressing their general approval of Chichester's plan.¹

¹ Fenton to Salisbury, September 9, 1607; Chichester to same, September 17; St. John to same, October 9; Salisbury to Chichester and Privy Council to same, September 27.

Bacon's attention was much drawn to Ireland at this critical time, and Chichester's secretary, Henry Perse, kept him well informed. Davies wrote to him at length about the flight of the Earls, and he saw that the opportunity had come for making a fresh start. 'I see manifestly,' he told Davies, 'the beginning of better or worse.' It may therefore be assumed that he had some hand in the proceedings that followed. Both he and Chichester were naturally thinking of the scheme of American colonisation which had just so nearly failed, and were anxious that the mistakes made should not be repeated. 'I had rather labour with my hands,' said the Lord Deputy, 'in the plantation of Ulster than dance or play in that of Virginia.' The American enterprise, said the Lord Chancellor, 'differs as much from this, as Amadis de Gaul differs from Cæsar's Commentaries.' Bacon warned the Government against sending over needy broken-down gentlemen as settlers. Men of capital were to be preferred, such as were fit to 'purchase dry reversions after lives or years, or to put out money upon long returns.' They might not go themselves, but they would send younger sons and cousins to advance them, while retaining the property 'for the sweetness of the expectation of a great bargain in the end.' He thought enough was not done to encourage the growth of towns and fortified posts, and yet the example of the Munster failure was ready to hand as to 'the danger of any attempts of kernes and swordsmen.' The wisdom of this advice was seen in 1641, when Londonderry alone stood out in all the planted counties. Bacon discouraged facilities for making under-tenancies, for the excluded natives would offer tempting rents and fines, the interest of the grantee waning when he parted with actual possession. Here also the advice was good. The undertakers took Irish tenants, in spite of the rules, because they could get no others, and these tenants turned against them when the day of trial came.¹

¹ Chichester to Salisbury, October 2, 1605; to the King, October 31, 1610. Bacon to Davies, October 23, 1607, in Spedding's *Life*, iv. 5, and his 'Considerations touching the plantation of Ireland, presented to the King' on January 1, 1608-9, *ib.* pp. 123-125.

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Scots in
Ulster.
Bishop
Mont-
gomery

The Scottish element in the north of Ireland has played an important part in history. One of James's first acts was to nominate Denis Campbell, who had long been Dean of Limerick, to the sees of Derry, Raphoe, and Clogher. Campbell died before consecration, and George Montgomery was appointed instead. Montgomery was of the family of Braidstane in Ayrshire, an offshoot of the House of Eglinton, who found his way to the English Court and made himself useful both to Cecil and to the King of Scots. His elder brother Hugh remained in Scotland and retailed the news to his own sovereign. George received the living of Chedzoy in Somerset, and the deanery of Norwich, and through life he showed a remarkable aptitude for holding several preferments together. Queen Elizabeth died, and the laird of Braidstane took part in the great Scotch invasion. Having lodged himself at Westminster, says the family historian, 'he met at Court with the said George (his only then living brother), who had with long expectations waited for those happy days. They enjoyed one the other's most loving companies, and meditating of bettering and advancing their peculiar stations. Foreseeing that Ireland must be the stage to act upon, it being unsettled, and many forfeited lands thereon altogether wasted, they concluded to push for fortunes in that kingdom.' The laird accordingly devoted himself to acquiring an estate and a peerage in Down at the expense of the O'Neills, and the parson to enriching the Church and himself in other parts of Ulster.¹

A lady
colonist.

The idea that high Irish preferment involved corresponding duties seems to have been very imperfectly understood at this time. Mrs. Montgomery, writing from Chedzoy, informed her relations that the King had bestowed on her husband three Irish bishoprics, 'the names of them I cannot remember, they are so strange, except one which is Derye.' Fifteen months later, on the eve of their departure from London, she reported that the King had dismissed the Bishop with many gracious words. 'I hope we shall not long stay

¹ Hill's *Montgomery MSS.*, p. 19.

in Ireland, but once he must needs go.' They were met and escorted into Derry 'by a gallant company of captains and aldermen,' and found it a much nicer place than they expected. Their house was English built, small but very pretty and capable of enlargement if Sister Peggy and her husband would come over. There were several ladies and gentlemen 'as bravely apparelled as in England. The most that we do mislike is that the Irish do often trouble our house, and many times they doth lend to us a louse, which makes me many times remember my daughter Jane, which told me that if I went into Ireland I should be full of lice.' Excellent flax was to be bought at sixpence a pound, and thread at one shilling, the land was good, and the tenants were continually bringing in beeves and muttons. This lady, who thought only of a short visit, was destined to have some very disagreeable adventures and to remain in Ireland till her death, when her husband wrote of 'the best gift I ever received, the greatest loss I ever had in this world.'¹

Montgomery was at once admitted by the King's special order to the Irish Council, and events soon showed that he enjoyed a good share of royal favour. Chichester was directed to inquire by commission as to the state of ecclesiastical property in his three dioceses. The King's letter set forth that Church lands had long been usurped by temporal lords, and until the legal tangle could be cleared no grants of Termon or abbey lands were to be made in Monaghan and Fermanagh. Davies, who at first accepted the Bishop's claim without question, took enormous pains to understand the real nature of these Termon lands, and he seems to have come near the truth. Montgomery claimed that they were rightly the absolute property of the Church, while Tyrone and the other Irish chiefs maintained that only rents were payable, the tribal ownership with fixity of tenure belonging

Episcopal
property.

¹ Letters of Mrs. Susan Montgomery (*née* Stayning) in Part III. of *Trevelyan Papers* (Camden Society), May 20, 1605; August 21, 1606; October 8, 1606 (from Derry). Bishop Montgomery's letter of February 16, 1614, *ib.*

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CHAP. V. to the Erenachs, who had for ages been in actual possession. Thus old Miler Magrath, who had jobbed Church property so shamelessly, held Termon-Magrath, which included St. Patrick Purgatory, in succession to his father. Davies felt that his law was at fault, and after long controversies hit upon the plan of swearing in a jury of clerks or scholars to find the facts, 'who gave them more light than ever they had before touching the original and estate of Erenachs and Termon lands.' Of these fifteen jurors thirteen spoke Latin fluently. Their verdict was hostile to Montgomery, who contended that the Termons were episcopal demesne lands; but James, on his principle of 'no bishop, no king,' having asserted his claim to the forfeited property, made it all over to the Church. This was after the flight of Tyrone, but Montgomery's proceedings may have been one cause of it. He claimed that his patent gave him everything that he or his predecessors had enjoyed, but others were for construing it strictly, and there were many suits against him upon colour of terming divers parcels of his inheritance to be monasteries, friaries, and of abbey land, and the Bishops of Clogher and Derry, where their predecessors had only chief rent, would now have the land itself. And he besought the King to stop such mean courses and make them rest content with what their predecessors had enjoyed for many years.¹

A jury of
Celtic
experts.

Church
and
Crown.

Chichester's expedition into the North in the summer of 1608 was a military promenade and an assize circuit combined, an inquiry about the escheated lands being added to the normal business. The commission included no bishop, and Montgomery, who was present during part of the circuit, made this a reason for objecting to anything being done. Davies and Ridgeway found that the Termon lands were in 'possession of certain scholars called Erenachs, and whereof they were in ancient times true owners and

¹ The King to Chichester, May 2, 1606; Bishop Montgomery to Salisbury, July 1, 1607; Chichester to Salisbury, January 26, 1607; Tyrone's petition calendared at 1606 No. 89 with the references there; Davies to Salisbury, August 28, 1609; Todd's *St. Patrick*, p. 160. The speculations of Ussher and Ware on this subject are obsolete.

CHAP. V. expected to look after the Scotch element in the business. Chichester thought it necessary to warn Salisbury about his Majesty's partiality for his original subjects, being of opinion that Highlanders or Islemen introduced into Ulster would be more troublesome and less profitable than the Irish themselves. In about two months the London committee had got so far as to produce a detailed plan for the settlement of Tyrone, and a copy of this was sent to the Lord Deputy.¹

British
settlers
invited
over.

At the beginning of 1609 the English Government printed and circulated a sort of prospectus, whereby settlers might be induced to offer themselves. Scotch and English undertakers were invited for tracts of a thousand, fifteen hundred, and two thousand acres, paying quit-rents to the Crown at the rate of six shillings and eightpence for every sixty acres, but rent-free for the first two years. It was intended that the largest grantees should hold by knight-service, but this burdensome tenure was afterwards abandoned at Chichester's earnest prayer and common socage was everywhere substituted. The undertakers, whose portions were to be assigned by lot, were to build castles and bawns or courtyards within two years, and to have access to the royal forests for materials, being bound to keep, train and arm men enough for their defence. Chichester said that two years was not long enough to allow for the buildings, and the time was afterwards extended. Every undertaker was to take the oath of supremacy before his patent could be sealed; none might alienate to the Irish. They were to provide English or Scotch tenants only, and were tied to five years personal residence. Tenancies at will were prohibited. The servitors, generally men with some military experience, were allowed to have Irish tenants, in which case they were to pay 8*l.* for every thousand acres; but where they established British tenants this was reduced to 5*l.* 6*s.* 8*d.* Alienations to the Irish were forbidden, or to any one who would not take the oath of supremacy, the privileges and duties of the servitors being for the rest much

¹ Instructions to Ley and Davies, October 14, 1608; Chichester to the King, October 15, and to Salisbury, October 18; Project of the Committee for the plantation of Tyrone, December 20.

the same as in the first case. The native Irish who formed the third class of grantees were subject, after the first year, to quit-rents twice as large as the undertakers, being subject to the same conditions as to tenures and building, but nothing was said about the oath of supremacy. Chichester knew that the natives could not as a rule build castles or bawns, and this part of the plan turned out to be unworkable. He protested from first to last that too little land was reserved to the Irish. There were further provisos for erecting market towns and corporations, for at least one free school in every county and for a convenient number of parish churches with incumbents supported by tithes.¹

Chi-
chester's
criticisms.

All schemes of colonisation devised at a distance must necessarily be modified when the actual work begins. Chichester at once objected to the principle of division 'in the arithmetical proportion or popular equality' proposed. The grants should, he thought, be larger or smaller according to local circumstances, and to the qualifications of particular settlers. A few eminent persons with means and reputation might, if liberally treated, act as protectors to weaker men who would be exposed to attacks from the natives. People coming from the same part of Britain should be encouraged to settle near together, and this could not be done if everything was left to the chances of a lottery. Moses indeed was the wisest of law-givers, but 'the Hebrews were mighty in number and rich in substance; compelled into the land of promise by divine necessity, to extinguish the nations and to possess their vineyards, cities, and towns already built, where, and not elsewhere, they and their posterities were to remain. But in the present plantation they have no armies on foot, they are but a few, without means of plantation (as being separated by sea) and every man having free will to take or leave. The country to be inhabited has no sign of plantation, and yet is full of people and subject, but of no

¹ 'Orders and Conditions of Plantation,' printed in Harris's *Hibernica*, p. 63, and in Hill's *Plantation in Ulster*, p. 78. Project for the Plantation in *Carew*, dated January 23, 1608, but evidently belonging to 1608-9; it does for the other escheated counties what was done for Tyrone only in the MS. dated December 20, 1608.

CHAP. V. faith nor truth in conversation, and yet hardly, or not at all, to be removed, though they be thorns in the side of the English. The county of Tyrone, with Coleraine, only has 5,000 able men.'

The
natives
neglected.

He objected altogether to tenure by knight-service, and that idea was abandoned, and also to a strict limitation of time for building without considering local difficulties. It was evident to him that too little land was assigned to native freeholders, especially in Tyrone, the result of which must be discontent, especially as it was intended to remove the 'swordsmen or idle gentlemen who in effect are the greatest part of men bearing credit and sway in that province.' And Chichester begged that the greatest possible latitude should be given to the commissioners who had to decide questions upon the spot.¹

Survey of
escheated
lands.

Sir John Davies returned to Ireland at the beginning of May 1609, in full possession of the King's mind on the subject of the plantation. A commission was issued to Chichester and fifteen others, named for the most part by him, to survey the escheated counties and to decide as to the proportions to be allotted to the settlers and natives. In order to meet difficulties about the rights of his see raised by Bishop Montgomery, he was made a commissioner along with the Primate and the Bishop of Kilmore. Davies thought seventeen too many, but the quorum was five, and nothing was to be done without the consent of the Deputy, the Chancellor, the Primate and the Bishop of Derry. The commissioners left Dundalk on August 3 and remained in Ulster until Michaelmas. Besides the business of surveying they prepared an abstract of the King's title and held assizes for gaol delivery and other purposes in each of the six escheated counties. Davies constantly reported progress to Salisbury, not failing to point out that it was still necessary to take military precautions everywhere. 'Our geographers,' he said, 'do not forget what entertainment the Irish of Tyrconnel gave to a map-maker about the end of the late great

¹ Chichester to the Privy Council, March 10, 1609, and to Davies, March 31.

rebellion; for one Barkeley being appointed by the late Earl of Devonshire to draw a true and perfect map of the north parts of Ulster, when he came into Tyrconnel, the inhabitants took off his head, because they would not have their country discovered.' ¹

The Commissioners depended on a survey in which the amount of land available was enormously underrated, even if we suppose that all the waste was omitted. Thus the area of Tyrone was stated as 98,187 acres, whereas it really contains 806,650, of which more than a quarter is waste and water. Well informed people no doubt suspected something of this, and hoped in the scramble to get much more than the estimated quantity. One ambitious undertaker accordingly offered to take charge of 100,000 acres in Tyrone, which was more than the whole county was supposed to contain. Upon this he proposed to bind himself in a penalty of 1,000*l.* to build thirty-three castles with 600 acres attached to each, and as many towns each with 2,400, and to settle at least 1,000 families. There were further provisions for markets and fairs, and for the erection of glass, iron, and dye works. The rent offered was 553*l.* and all was to be completed within five years, when this bond might be cancelled. Upon this Chichester sarcastically remarks that he is 'an ancient nobleman' and apt to undertake much; but his manner of life in Munster and the small cost he has bestowed to make his house fit for him, or any room within the same, does not promise the building of substantial castles or a convenient plantation in Ulster. Besides which he is near to himself and loves not hospitality. Such an one will be unwelcome to that people and will soon make himself contemptible, and if the natives be not better provided for than I have yet heard of they will kindle many a fire in his buildings before they be half finished.' Davies, however, who had married Lord Audley's daughter, was much comforted to hear that one whose ancestors had conquered North Wales and had been among the first invaders of Ireland should desire

The area under-estimated.

Lord Audley's proposals

¹ The Commission is calendared at July 19, 1609, and printed in Harris's *Hibernica*, and by Hill. Davies to Salisbury, August 28, 1609.

CHAP. V. to be an undertaker 'in so large and frank a manner.' Possibly Lord Audley's intention resembled that of a speculator who applies for 10,000*l.* worth of stock on the chance of 500*l.* being allotted to him. In consideration of his services at Kinsale and elsewhere, 3,000 acres in Tyrone were granted to him and his wife, 2,000 to his eldest son Mervyn, and 2,000 to his second son Ferdinand. When Carew visited these lands in 1611 he reported that nothing at all had been done. Audley was created Earl of Castlehaven in 1616, and died in the following year, but his infamous successor was not more active. Pynnar reported in 1619 that the acreage was considerably larger than had been expressed in the grant, and that upon it there was 'no building at all, either of bawn or castle, neither freeholders.' There were a few British tenants at will, but they were fast leaving the land, for the tenants could not get leases without offering large fines for decreased holdings. The younger Castlehaven had by some means got possession of 2,000 acres more originally granted to Sir Edward Blunt, and upon this a house had been built. The total result was that sixty-four British tenants had sixty acres apiece, but they could lay out nothing without leases, and were all going away. The rest, says Pynnar, 'is let to twenty Irish gentlemen, as appeareth by the Rent-roll, which is contrary to the articles of plantation; and these Irish gentlemen have under them, as I was informed by the tenants and gentlemen in the country, about 3,000 souls of all sorts.' Thus were sown the dragon's teeth which in due time produced the rebellion of 1641.¹

London-
derry and
Coleraine.

The fate of Randolph's and Docwra's settlements, or perhaps the fear that O'Cahan might yet be restored, prevented applications for grants in the county of Coleraine or what is now known as Londonderry. It occurred to James or to Salisbury that the difficulty could be got over by offering the whole district to the city of London, whose wealth might enable them to settle and defend it. The suggestion was made to the

¹ The 'Project,' dated January 23, 1608-9, is printed in *Carew*, vi. 13, in *Harris's Hibernica*, 53, and in *Hill's Plantation of Ulster*, 90. The passages concerning Lord Audley and his family are collected by Hill.

Lord Mayor, who on July 1, 1609, directed each of the City companies to name four representatives for the discussion of the subject. In addition to the published papers a special document was communicated to the City in which the advantages of the settlement were duly set forth. Derry might be made impregnable, and probably Coleraine also, and charters with great privileges were offered for each. The negotiations which followed were not conducted by the Irish Government, but between the Privy Council and the City direct. On January 28, 1610, articles were agreed upon by which the Corporation bound themselves to lay out 20,000*l.* and to build within two years 200 houses at Derry and 100 at Coleraine, sites being provided for 300 more in the one case and for 200 in the other. Afterwards they were allowed to finish building at Coleraine before beginning at Derry, conditional on their making the fortifications there defensible before the winter of 1611. The whole county, with trifling exceptions, was granted to the City in socage, and they had the ecclesiastical patronage within the two new towns and the fisheries of the Foyle and the Bann. It was not intended that there should be any delay in setting to work, and the Londoners undertook to build sixty houses at Derry and forty at Coleraine before November. On the other hand the King covenanted to protect them until they were strong enough to protect themselves, and to give his consent to such legislation as might be found necessary. Formal charters were not, however, granted until 1613.¹

After O'Dogherty's sack some of the burned-out houses at Derry were made habitable by Captain John Vaughan, and cabins were also built among the ruins, so that the Londoners had some shelter. At Coleraine they were better off. A lease of which there were still some years to run had been granted to Captain, afterwards Sir Thomas, Phillips of the Dominican monastery there, and he had bought other land in the neighbourhood. Phillips had learned the art of war abroad, and quickly fulfilled Chichester's prophecy

Sir
Thomas
Phillips.

¹ The negotiations are detailed in Hill's *Plantation*. Instructions to Sir John Bourchier, May 1611.

CHAP. V. that it would be safer in his hands than 'left to the use of priests and friars, who to this time have ever enjoyed it.' When O'Dogherty broke out, Philips had only thirty-two soldiers available, but many fled to him from Derry, and he armed the men as they came in so that no attack was made by the Irish. When the settlement of the Londoners was first mooted, Sir Thomas gave all the help he could. He was bound to give up Coleraine to the King if required for a garrison or corporate town, but received a grant of Limavady in exchange for his other possessions. He went over to England with a strong recommendation from Chichester, and enlarged there upon the profits to be expected by the Londoners. When the agents of the City arrived in Ulster he accompanied them in their tour and gave all the help he could. 'At Toome,' he says, 'I caused some ore to be sent for of which the smith made iron before their faces, and of the iron made steel in less than one hour. Mr. Broad, one of the agents for the City, who has skill in such things, says that this poor smith has better satisfied him than Germans and others that presume much of their skill.' He showed the agents the woods and fisheries. With the exception of Phillips's lands and those belonging to the Church all the country outside the liberties of the two corporations was divided among the twelve City companies.¹

Slow
progress
of the
work.

Towards the close of 1610 it became evident that the settlement of Ulster could not be completed for some time. It was scarcely, Chichester said, 'a work for private men who expect a present profit, or to be performed without blows or opposition.' Jesuits and friars were busy in exciting the people and inducing them to expect Tyrone's return, and they always found means to communicate with the fugitives abroad. A still greater cause for discontent was the way in which the land had been divided. Chichester 'conceived that one-half of each county would have been left assigned

¹ Chichester to Cecil, June 8, 1604; Phillips to Salisbury, May 10, 1608, September 24, 609; Chichester to Salisbury, April 7, 1609. A tolerable understanding of the Ulster settlement generally, and of the Londoners in particular, may be arrived at through Hill's *Plantation in Ulster*, 1877, and J. C. Beresford's *Concise View of the Irish Society*, 1842.

to natives ; but now they have but one barony in a county and in some counties less.' He had protested against this all along, but with little effect. The Irish, Davies said, objected to be small freeholders, as they would be obliged to serve on juries and spend double the value of their land at sessions and assizes. They all preferred to be under a master, and they did not much care what master provided he were on the spot with will and power to protect them. They would live contentedly enough as tenants under any one, even a Protestant bishop, 'as young pheasants do under the wings of a home-hen though she be not their natural mother.' But when the time came the natives found that half a loaf was better than no bread, and accepted the lands allotted to them. The Londoners, having more capital and better support than the other undertakers, had got to work the quickest, and the Attorney-General was so struck by the preparations at Coleraine, that he was reminded of 'Dido's colony building of Carthage,' and quoted Virgil's description of the scene. Four months later he reported that undertakers were coming over by every passage, 'so that by the end of summer the wilderness of Ulster will have a more civil form.' Barnaby Rich, who had written many books about the country, was even more optimistic. Being asked sixteen times in one week what he thought of the new plantation, he answered that Ireland was now as safe as Cheapside: 'the rebels shall never more stand out hereafter, as they have done in times past.'¹

CHAP. V.

Activity
of the
Londoners.

Chichester was a good deal less sanguine than Davies both as to present and future. The English undertakers were with few exceptions not quite of the right kind. They were plain country gentlemen not apparently possessed of much money, and not very willing to lay out what they had. Many sought only for present advantage, and sold their claims to anyone who would buy. The Scotch were perhaps poorer, but they came with more followers and persuaded

English
and Scots
compared.

¹ Davies to Salisbury, September 24, 1610. A more elaborate version, intended probably for private circulation, is printed from a Harleian MS. in Davies' *Tracts* and dated November 8. Same to same, January 21, 1610-11. B. Rich's *New Description of Ireland*, London, 1610, dedicated to Salisbury.

CHAP. V. the natives to work for them by promising to get the King's leave for them to remain as tenants. The Irish were ready to do anything to avoid 'removing from the place of their birth and education, hoping at one time or other to find an opportunity to cut their landlords' throats; for they hate the Scottish deadly, and out of their malice towards them they begin to affect the English better than they have been accustomed.' In the meantime they provided concealed arms. Three years later it was found that the Scotch were very much inclined to marry Irish girls, for which reproof and punishment were prescribed by the King lest the whole settlement should degenerate into an Irish country. The best chance, Chichester thought, was to induce as many old tried officers as possible to settle upon the land. The natives had learned to obey them, and they knew what could and what could not be done. There was, however, a tendency in high quarters to provide for young Scotch gentlemen, and to neglect 'ancienter captains and of far better worth and desert' who knew the country well. Sir Oliver Lambert was sent over to represent the case of the veterans, not as the best orator but because he had 'long travelled and bled in the business when it was at the worst, and had seen many alterations since he first came into the land.'¹

Mission of
Carew,
1611.

James was puzzled by conflicting accounts, and reminded Chichester that he had followed his guidance more closely than any king had ever followed any governor. In order that he might have someone thoroughly informed to apply to he sent over a special commissioner, who was to view the plantation as far as it had got and advise generally as to how the Irish Government might be made financially self-supporting. The person chosen was the famous ex-president of Munster, now Lord Carew, who as Vice-Chamberlain of the Queen's household would always be at hand. Special letters were at the same time sent to Clanricarde and Thomond, who were personal friends of Carew's. The King seems to have been struck by Chichester's often reiterated opinion that sufficient provision had not been

¹ Chichester to Salisbury, November 1610 (No. 915 in *Cal.*); the King to Lord Chichester, June 5, 1614.

made for the natives in the escheated counties, and he directed Chichester and Carew to find out 'how his Majesty may without breach of justice make use of the notorious omissions and forfeitures made by the undertakers of Munster, for supply of some such portion of land as may be necessary for transplanting the natives of Ulster.'¹

Carew left Dublin on July 30 accompanied by Chichester, Ridgeway, Wingfield, and Lambert. For three weeks there was unceasing rain, and Carew was near being drowned in fording a flooded river. The commissioners found large numbers of Irish still upon lands from which they ought to have departed according to the theory of the plantation, and at Ballyshannon they addressed a warrant to the sheriff of each escheated county to remove them all by May 1 next. The work was, however, being imperfectly done, and Carew's real opinions may best be gathered from a paper drawn up by him three years later. Formerly, he said, there was always a strong royalist party among the older population of Ireland, but religious feeling had brought the old English and the native Irish much nearer together. Many had learned something of war abroad, and something also of policy, and they would have the advantage of giving the first blow. They would 'rebel under the veil of religion and liberty, than which nothing is esteemed so precious in the hearts of men,' and even the inhabitants of the Pale would be drawn in for the first time in history. 'For this cause, *in odium tertii*, the slaughters and rivers of blood shed between them is forgotten and the intrusions made by themselves or their ancestors on either part for title of land is remitted.'

Tyrone's return was still looked for, and if that were unlikely on account of his age, there was always the chance of a foreign invasion. If the King of Spain sent 10,000 men into Ireland 'armed with the Pope's indulgences and excommunications,' all the modern English and Scotch would be

CHAP. V.

His
prophecy,which was
fulfilled.

¹ Chichester to the King and to Northampton, October 31, 1610; Davies to Salisbury, September 24. The instructions to Carew with the King's letter to Chichester, Clanricarde, and Thomond are all in *Carew*, June 24, 1611.

CHAP. V. instantly massacred in their houses, 'which is not difficult to execute in a moment by reason they are dispersed, and the natives' swords will be in their throats in every part of the realm like the Sicilian Vespers, before the cloud of mischief shall disappear.' The reconquest would be a Herculean labour. Citadels at Waterford, Cork, and some other places, and a small standing army always ready to move were the chief precautions to be taken. 'Carew was a true prophet, though the crisis did not come in his lifetime. Officers from the Netherlands, indulgences and excommunications, with occasional supplies of arms and ammunition, but without the 10,000 men of Spain, were enough to maintain a ten years' war, and the labour of ending it was indeed Herculean.¹ Chichester's long experience as governor of Carrickfergus before he assumed the government, had not led him to think the Ulster Irish irreclaimable. By giving them as much land as they could manage properly, along with the example of better farmers from England and Scotland, he hoped to make them into tolerably peaceful subjects. The undertakers, however, were of course chiefly actuated by considerations of profit, and at first regarded the natives as a mere hindrance, though afterwards they learned to value their help and sometimes to be on very good terms with them. Among the first adventurers was Thomas Blenerhasset, of Horseford, in Norfolk, who was more or less joined in the enterprise with several other East Anglians. He has left us an account of how the thing struck him in 1610, and he was from the first of opinion that the main point was to guard against 'the cruel wood-kerne, the devouring wolf, and other suspicious Irish.' He had been with Chichester at Lifford, and learned among other things that Sir Toby Caulfield, who was not at all an unpopular man, had to drive in his cattle every night, 'and do he and his what they can, the wolf and the wood-kerne, within caliver shot of his fort, have often times a share.' At first he had agreed with Bacon that isolated castles could not be maintained so as to guard a settlement, but while modifying this idea somewhat, he still

A settler's
precau-
tions.

¹ Diary of Lord Carew's journey in 1611 in *Carew*, No. 126; *ib.* No. 156; Carew to Salisbury, September 6, 1611.

held that a strong town was the best guarantee for peace. CHAP. V.
 He contemplated a state of things in which the burghers of Lifford, Omagh, Enniskillen, Dungannon, and Coleraine should frequently sally forth in bands of 100 at a time from each place, join their forces when necessary, and discover every hole, cave, and lurking place, 'and no doubt it will be a pleasant hunt and much prey will fall to the followers.' Even the wolf would be scared by these means, and 'those good fellows in trowzes' the wandering herdsmen would no longer listen to revolutionary counsels or shelter the lurking wood-kerne. Blenerhasset had a grant of 1,500 acres in Fermanagh on the east side of Lough Erne. When Pynnar saw the place after eight years' work he found the undertaker's wife and family living in a good stone house with a defensible courtyard. Over 250 acres was leased to tenants for life or years, and there were a few English cottages with the beginnings of a church. It was supposed that twenty-six men were available, 'but I saw them not, for the undertakers and many of the tenants were absent.'

In partnership with his kinsman Sir Edward, Blenerhasset had also an adjacent property of 1,000 acres which had been originally granted to John Thurston of Suffolk, and upon this Pynnar found 'nothing at all built and all the land inhabited with Irish,' whose names as they stood in 1629 have been preserved. Sir Edward Blenerhasset and his son Francis had another lot upon which there were twenty-two British families and no Irish, 'but the undertaker was in England.' The natives upon one of these three portions were no doubt more numerous than the English on the other two, and they were always there, and there is evidence to show that even where Pynnar found none there were many ten years later.¹

If Chichester's plan of providing for the Ulster Irish first and giving the surplus land to colonists had been carried out, there might have been some chance of a peaceful settlement. Without much capital or agricultural skill the natives would probably have remained poor, and the remnant of the

The
settlers
out-
numbered.

Position
of the
natives.

¹ Blenerhasset's 'Direction for the Plantation of Ulster, 1610, is reprinted in *Contemporary History*, i. 317.

CHAP. V. chiefs would have certainly gone on trying to live in the old profuse way with diminished means; but there would have been many conservative forces at work, for most men would have had something to lose. As it was both gentlemen and kerne remained in considerable numbers, and never ceased to hope for a return to the old system. They felt themselves in an inferior position, but were never able to make a serious move until the difficulties of Charles I. with Scotland and with the English Parliament paralysed the central government. The Munster precedent ought to have given warning enough, but the means of defence possessed by the colonists were very inadequate, and the army was small. The natives had still a great numerical preponderance in Ulster, though they retained but a fraction of the land, and the colonists were not so well armed as to make up the difference. A muster taken after 1628 gives 13,092 as the total number of British men in the province, and of these only 7,336, or not much more than half, were in the escheated counties. Down, which was outside the plantation scheme, contained 4,045. The province possessed but 1,920 stand of firearms, muskets, calivers and snaphaunces, and there were not even swords or pikes for all. Any smith could make a pike, and swords were easily hidden, so that the colonists had but little advantage if regular troops are left out of the account. Lord Conway saw the necessity of protecting his property against the kerne, but the arms which he provided were stopped in Lancashire, and he had to appeal to the English Government for leave. Yet the Lord Deputy had already received strict orders to see that the tenants of Ulster undertakers were trained, and to take care that they were not fraudulently counted in among the soldiers of paid regiments.¹

To the end of his life James continued to take a great interest in the Ulster settlement, and was impatient when slow progress was reported. Sir Josiah Bodley, who had

¹ The Ulster muster-roll printed in *Contemp. Hist.* i. 332 from Add. MS. 4770, mentions the Earldom of Fingal, which was not created till 1628. Directions to the Lord Deputy, 1626, No. 521. Lord Conway to the Lord Treasurer, January 4, 1628.

former experience to help him, made a general survey or inspection, which was concluded early in 1615. The result was disappointing, very few having carried out their engagements to the full. Some had built without planting, others had planted without building, and in general they retained the Irish style to avoid which was a fundamental reason for the enterprise. The Londoners and other defaulters were given till the end of August 1616 to make good their shortcomings, and some advance was made in consequence of the King's threats. The survey so well known as Pynnar's followed at the end of 1618. Pynnar found that in the six counties there were 1,974 British families, including 6,215 men having arms and being capable of bearing them. One hundred and twenty-six castles had been built and forty-two walled enclosures without houses. Of substantial unfortified houses Pynnar saw 1,897, and he heard of a good many more, but he thought it very doubtful whether the colony would endure. 'My reason,' he says, 'is that many of the English tenants do not yet plough upon the lands, neither use husbandry.' They had not confidence enough to provide themselves with servants or cattle, and much of the land was grazed by Irish stockholders, who contributed nothing to the general security. There might be starvation but for the Scottish tenants, who tilled a great deal. The Irish graziers were more immediately profitable than English tenants, and their competition kept up the rents. The Irish, though indispensable, were dangerous, and there were more of them on the Londoners' lands than anywhere else. The agents indeed discouraged British settlers, persuading their employers at home that the land was bad, and so securing the higher rents which native graziers were ready to give or at least to promise. 'Take it from me,' said Bacon, 'that the bane of a plantation is when the undertakers or planters make such haste to a little mechanical present profit, as disturbeth the whole frame and nobleness of the work for times to come.'¹

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Bodley's
survey,
1615.Pynnar's
survey,
1618-19.

¹ The King to Chichester, March 25, 1615; Pynnar's Survey, 1618-19, printed by Hill and in Harris's *Hibernica*; Bacon's speech in 1617 in Spedding's *Life*, vi. 206.

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Fresh
survey in
1622.

Four years later there was yet another survey which may be taken to describe the state of the colony at the end of James I.'s reign. The commissioners, who divided the work among themselves, reported that much had been done, but that the conditions insisted on by the King had on the whole not been performed. Many of the undertakers were non-resident, their agents retained native tenants and the British settlers complained that 'the Irish were countenanced by their landlords against them.' But few freeholders were made, rents were too high, and covenants too stringent. Some promised leases informally 'which giveth such as are unconscionable power to put poor men out of their holdings when they have builded with confidence of settlement.' Much building was badly done, and instead of encouraging villages the undertakers dispersed their tenants 'in woods and coverts subject to the malice of any kerne to rob, kill, and burn them and their houses.' Copies of the conditions to which undertakers were bound could not be had, and so the humbler settlers were at their mercy and that of their agents and lawyers. The servitors were rather better than the undertakers, but their faults were of the same kind, and they also were 'so dispersed that a few kerne might easily take victuals from them by force if they gave it not willingly.' The Irish grantees as a rule built nothing, and their enclosures made with sods were valueless. They made no estate of any kind to their tenants, but kept to the old Irish exactions, and they ploughed in the 'Irish barbarous manner by the tails of their garrons.' The commissioners recommended that the King should give new patents instead of those which deserve to be forfeited. A full fourth part of the undertaken lands should be leased for twenty-one years or lives to the Irish on condition of living in villages, going to church, wearing English clothes, ploughing in English fashion, bringing up their children to learning an industry, and enclosing at least a fourth of their cultivated land. Undertakers were to be fined if they took Irish tenants or graziers on any other terms, and alienation for any longer term was to involve forfeiture.¹

¹ Brief return of the 1822 survey in *Sloane MS.* 4756.

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The
natives
not trans-
planted.

Whether as tenants, graziers, or labourers, the Irish inhabitants were found indispensable. Early in 1624 their stay was officially sanctioned, pending inquiry, and in 1626 there was a further extension to May 1628, and after that for another year ; but neither then nor later was the transplantation really carried out. The undertakers, or some of them, had indeed their own grievances. Having been unable to perform their covenants strictly, and being afraid of forfeiture, some of them offered to submit to a double rent and other penalties, in consideration of a fresh title, but this arrangement was not carried out. The result of the uncertainty was that hundreds of British families gave up the idea of settling and went away, while the Irish held on desperately whether the legal landlords liked it or not.¹

The
Londoners
criticised.

Sir Thomas Phillips, officially described as ' a brave soldier all his life,' kept O'Cahan's castle at Limavady in good repair, with drawbridge, moat, and two tiers of cannon. His two-storied residence, slated, with garden, orchard, and dovecote, stood by, and a mile from it he had built a village of eighteen small houses. He was thus in a position to criticise both Londonderry and Coleraine, and was much disgusted at the Londoners' proceedings. It seemed to him that they cared only for present profit, and made very little attempt to carry out the conditions of their grant. The new city was, indeed, well walled when Pynnar saw it, but the gates were incomplete and the inhabitants not nearly enough to defend so great a circuit. Phillips was employed both by St. John and Falkland to superintend the settlement, and in the survey of 1622 he was associated with Richard Hadsor, a practised official who could speak Irish. Thomas Raven, employed as surveyor by the Londoners, evidently thought Phillips right in the main, but was shy about giving information, though anxious to do so in obedience to actual orders. The number of inhabitants in Londonderry had slightly increased, but 300 more houses would be required ere the walls could be properly manned. There were actually 109 families living in stone houses, and about twelve more in cabins, but not more than 110 armed

¹ *Proclamation* of December 13, 1627, in the Irish R.O.

CHAP. V. men were available in the town, and about half that number outside. There was no church except a corner of the old monastery which had been repaired before O'Dogherty's rising, and it would not hold half the people, few as they were. Near it, however, was 'a fair free school of lime and stone, slated, with a base-court of lime and stone about it built at the charges of Matthias Springham of London, merchant, deceased.' Twelve guns were mounted on the fort at Culmore. At Coleraine the number of men was nearly as great as at Londonderry, but the walls or ramparts were of earth, not faced with stones, and subject to frequent crumbings. There was a small church with a bell. The great want at this place was a bridge, and it was thought by some that the Londoners were unwilling to supply it, because they made so much by the ferry. The estates of the twelve companies were perhaps in proportion rather better managed than those of the city of London itself, but there were the same complaints everywhere of insufficient encouragement to settlers, of leases withheld or delayed, and of Irish tenants who would promise any rent being preferred to British colonists. Phillips thought there were about 4,000 adult males in the whole county, of whom three-fourths were Irish. Of the remaining quarter not two-thirds were capable of bearing arms effectively, and in the last year of James's reign Phillips declared his belief that the colonists were really at the mercy of the natives. The towns, such as they were, seemed 'rather baits to ill-affected persons than places of security,' and there were so many robberies and murders that fresh settlers were hardly to be expected.¹

English,
Scotch and
Irish.

The original idea of the plantation was to settle English and Scotch undertakers in about equal numbers. The Scotch on the whole made the best settlers, in spite of, or possibly in consequence of, their tendency to intermarry with the Irish, and there can be no doubt that the ecclesiastical

¹ The last volume of Russell's and Prendergast's *Calendar passim*, especially T. Raven to Phillips, June 24, 1621; Survey of the Londoners' Plantation, August 10 to October 10, 1622; Phillips's petition to the King, July 6, 1624, and his proposed remedies, September 24.

policy of James and Charles drove many Presbyterians from their own country to Ulster. The chiefs of the Hamiltons and Montgomeries might favour the official Church, but Strafford found his most determined enemies among the humbler Scots, and he seriously thought of banishing them all. Even under Cromwell they did not get on too well with the English, but in the long run Anglicanism and Presbyterianism combined sufficiently to give a permanently Protestant tone to the northern province. The rebellion of 1641 prevented the colonists from dividing their forces as they might otherwise have done, and the alliance held good in 1688, and even, after a very short hesitation, in 1798. By the partiality of James a very great quantity of land was given to the Church, and especially to the Bishops, most of whom did not do very much for the common defence. Of the whole land granted in the six escheated counties, little more than one-tenth was given as property to the natives; the rest of them lived chiefly as dependants on the undertakers, and without legal interest in the land which they were forced to till for a subsistence. And there were a large number whose business had been fighting, and who lived on those who worked when there was no longer any fighting to be done. Thus very few of the Ulster Irish had anything to lose by a successful revolt, and many might think they had a great deal to gain. The acreage of the grants was far less than the actual contents of the different counties, and thus there was still plenty of room for the nomad herdsmen whose descendants flocked to Owen Roe's standard.

From what seems to be authentic abstracts it appears that out of a nominal total of 511,465 acres in the escheated counties rather more than two-fifths were assigned to British undertakers. Outside of the Londoners' district at least, the shares of Scotch and English grantees were about equal. Rather more than one-fifth went to the Church, including 12,300 acres for education, and rather more than one-fifth to servitors and natives combined, about 60,000 acres to patentees outside the settlement, and something over 6,000 acres to individual Irishmen of whom Connor Roe Maguire's

Distribu-
tion of
land.

CHAP. V. share was the largest. To servitors and natives about an equal area was given; but the latter were many times as numerous, so that their lots were very small, often as little as forty or fifty acres. 8,536 acres were devoted to schools at Enniskillen and Mountnorris, and to sites for towns at those places, as well as at Dungannon, Rathmullen, and Virginia. Many sales, exchanges, and dispositions by will were made during the reign of James, but the proportional distribution remained about the same.¹

Results
and expectations.

The permanent effects of the Ulster settlement have been very great, though statesmen like Carew could see that there were many dangers ahead. The tone of the Court and of all who wished to please the King by prophesying smooth things may be gathered from the masque which Ben Jonson produced at Somerset's marriage. Four Irishmen are brought on the stage, who speak in an almost unintelligible jargon. An epilogue in verse alludes to the plantation, whereby James was to raise Ireland from barbarism and poverty, 'and in her all the fruits of blessing plant.' The letter-writer Chamberlain says many people disliked the performance, thinking it 'no time as the case stands to exasperate the nation by making it ridiculous.' And most modern readers will be of the same opinion.²

¹ Three papers among the *Carew MSS.* for 1611 calendared as Nos. 130, 131, and 132.

² Nicoll's *Progresses of King James*, ii. 733, where Chamberlain's letter to Carleton is dated January 5, 1513-14.

CHAPTER VI

CHICHESTER'S GOVERNMENT TO 1613

IN the course of a very thorough investigation Carew found that while much had been done by the settlers, much still remained to do. There were indeed many surveys and inquiries yet to come, before the outbreaks which he foresaw. He knew Ireland thoroughly, and was not to be deceived by false appearances of quiet and contentment. Davies, whose acquaintance with the island was of much later date, remained optimistic. 'When this plantation,' he wrote in 1613, 'hath taken root, and been fixed and settled but a few years . . . it will secure the peace of Ireland, assure it to the Crown of England for ever; and finally make it a civil, and a rich, a mighty, and a flourishing kingdom.' He had been one of the first commissioners of assize who ever sat in Tyrone and Tyrconnel, and the justice which he administered, 'though it was somewhat distasteful to the Irish lords, was sweet and most welcome to the common people.' Davies has left a pretty full account of some of his various circuits. He visited every part of Ireland, and as his power of observation and description were unusually great it may be as well to follow him in his journeys. General peace having been made possible, first by arms and afterwards by an Act of Oblivion, it was from the establishment of justice that the greatest good was to be expected, and it was necessary to make it visible by regular assizes held in every county. 'These progresses of the law,' Davies wrote, 'renew and confirm the conquest of Ireland every half year, and supply the defect of the King's absence in every part of the Realm; in that every judge sitting in the seat of justice, doth represent the person of the King himself.'¹

Optimism
of Sir John
Davies.

Establish-
ment of
circuits

¹ Davies's *Discovery*, 1613. It appears, however, from his letter to Salisbury, December 1, 1603, that Chief Baron Pelham held the first assize in

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Leinster
Assizes,
1604.

King's and
Queen's
Counties.

Carlow and
Wexford.

Churches
in ruins.

Poverty
of priests
and people.

Justice in
Con-
naught.

Davies's first assize appears to have been in Leinster in the spring of 1604. The country was on the whole quiet, and the gaols only half full of petty thieves. As for the King's and Queen's counties, the O'Mores and O'Connors had been nearly rooted out by the war: 'the English families there begin to govern the country, and such of the Irishry as remain, such as M'Coghlan, O'Molloy, O'Doyn, O'Dempsey, they seem to conform themselves to a civil life, and gave their attendance very dutifully.' Carlow and Wexford, however, were infested by a band of 100 kerne, Donnel Spaniagh Kavanagh and the sons of Feagh MacHugh O'Byrne being at the bottom of the mischief. Pardons had always been granted so easily that the outlaws had little to fear. At Carlow it appeared that there had lately been a conference between Tyrone, Mountgarret, Phelim and Redmond Mac-Feagh O'Byrne and Donnel Spaniagh. There was much drinking and swords were drawn. Davies did not know the object of the meeting, but dared affirm that it was not that religion and peace might be established in this kingdom.' As for religion, indeed, there would be good hope of filling the churches if they were first repaired. In fact he found them everywhere in ruins, and the State clergy were lazy and ignorant, which did more harm than could be done by the diligence of priests and Jesuits whose object was political and not religious, but only 'to serve the turn of Tyrone and the King of Spain. They would be glad to be banished by proclamation, for they that go up and down the Cross of Tipperary get nothing but bacon and oatmeal, the people are so poor.'¹

Later in the year Davies was with Lord Clanricarde at Athlone, where he held his presidential court. Clanricarde, though he had but a weak council, not only did his business very well, but kept house in a very honourable fashion. It had been reported on both sides of the Channel that Lady Clanricarde, the daughter of Walsingham, the widow of

Donegal without his help, and before his arrival in Ireland. The contemporary letter must prevail against the treatise written ten years later.

¹ Davies to Cecil, April 19, 1604.

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Sidney and Essex, was not satisfied with her position, but he found her 'very well contented and every way as well served as ever he saw her in England.' Davies was in London during part of the following year. He was on circuit as commissioner of assize in Ulster before leaving Ireland, and in the spring of 1606 after his appointment as Attorney-General he was associated with Chief Justice Walshe as circuit-judge in Munster. The arrangement was contrary to modern ideas, but no doubt it was convenient to have a judge who could draw bills of indictment himself and afterwards pronounce upon their validity. He rightly thought Munster the finest province of the four, but it had one thing in common with Ulster, and that was the readiness of the people to accept the services of the judges. The poor northern people were glad to escape from the lewd Brehons who knew no other law but the will of the chief lords, and the Munster men, though not dissatisfied with the President, felt that the local justices might have interested motives, and were 'glad to see strangers joined with them, and seemed to like the aspect of us that were planets, as well as that of their own fixed stars.' At Waterford, where they held their first sittings, the judges found very few prisoners that were not 'bastard imps of the Powers and Geraldines of the Decies.' They always had cousins on the jury, and no convictions could be had unless the evidence was absolutely clear, when threats of the Star Chamber generally produced a verdict. The 'promiscuous generation of bastards' he believed due to slack government both civil and ecclesiastical. They were considered just as good as the lawful children, and commonly shared the inheritance as well as the name. 'I may truly affirm,' he said, 'that there are more able men of the surname of the Bourkes than of any name whatsoever in Europe.' And so it was with all the great families, whether Anglo-Norman or Celtic. To scatter and break up these clannish combinations appeared to Davies an excellent policy. The judges slept at Dungarvan and Youghal, where they saw the chief people, dined with Lord Barrymore on their way to Cork, and found the gaols there pretty full. They lectured

In Ulster.

In
Munster.Assizes at
WaterfordAt Cork,
1606.

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Assizes for
Limerick

and Clare.

the chief gentry upon their addiction to 'coshery and other Irish occupations,' in spite of the King's proclamation.¹

At Mallow Davies stayed at Lady Norris's house 'by a fair river in a fruitful soil, but yet much unrepaired and bearing many marks of the late rebellion.' From Mallow the judges went by Kilmallock through 'a sweet and fertile country to Limerick, where the walls, buildings, and anchorage were all that could be wished; yet such is the sloth of the inhabitants that all these fair structures have nothing but sluttishness and poverty within.' They held first the assizes for Clare, of which Lord Thomond was governor. He and Lord Bourke had provided a large house on the right bank of the Shannon, so that Limerick served as quarters for both counties. In Clare, said Davies, 'when I beheld the appearance and fashion of the people I would I had been in Ulster again, for these are as much mere Irish as they, and in their outward form not much unlike them,' but speaking good English and understanding the proceedings well enough. He found the principal gentry civilised, but the common people behind those of Munster, though much might be hoped from Lord Thomond's example. Having delivered the gaols, the judges considered how they might cut off Maurice McGibbon Duff and Redmond Purcell, 'notorious thieves, or, as they term them, rebels,' who were allied to and protected by the White Knight and by Purcell of Loughmoe in Tipperary. Purcell was enticed into a private house and given up to the Lord President, who promptly hanged him, as well as 'many fat ones' who sheltered Maurice McGibbon, but the latter seems to have escaped for the time, though snares were laid for him on all sides.²

Assizes at
Clonmel.

From Limerick by Cashel, 'over the most rich and delightful valley,' the judges came to Clonmel, the capital of Ormonde's palatinate, and 'more haunted with Jesuits and priests' than any place in Munster. There was evidence to show that some of them were privy to the Gunpowder Plot, and yet all

¹ Davies to Salisbury, December 8, 1604 and May 4, 1606.

² Davies to Salisbury, May 4, 1606; Brouncker's letter of September 12, 1606.

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the principal inhabitants refused any indulgence founded upon a promise to exclude them from their houses. A true bill for recusancy was found with some difficulty against 200 of the townsmen, and the chief of them were handed over to the Lord President 'to be censured with good round fines and imprisonment.' From Clonmel Davies went to rest on Easter Sunday at Ormonde's house at Carrick-on-Suir. The old chief, who was blind and ill, insisted on his staying over St. George's day, 'when he was not able to sit up, but had his robes laid upon his bed, as the manner is.'¹

On July 21 Chichester, accompanied by the Lord Chancellor and the Chief Justice, and by Davies, who was again joined in commission with the judges, left Drogheda for Monaghan. Fifty or sixty horse and as many foot soldiers were now considered escort enough where a thousand were formerly necessary. At Monaghan, which was only a collection of cabins, the grand jury found true bills without any difficulty, but when it came to the trial of prisoners the petty juries 'did acquit them as fast and found them not guilty, but whether it was done for favour or for fear it is hard to judge.' The whole county was inhabited by three or four clans, and every man was tried by his relations, who were naturally very unwilling to serve as jurors. If they convicted any one they were in danger of being killed or robbed, and of having their houses burned. The only plan suggesting itself to the judges was to fine and imprison those who had given verdicts manifestly against the evidence, and two notorious thieves were then found guilty and executed. The principal gentlemen of the district lived upon beef stolen out of the Pale, 'for which purpose every one of them keepeth a cunning thief, which he calleth his Cater.' Two of these gentlemen were indicted as receivers, but were pardoned after confession upon their knees, 'so that I believe stolen flesh will not be so sweet unto them hereafter.' In Fermanagh, being further from the Pale, this system of purveyance was not so perfectly established, but there was no lack of malefactors.

Grand jury and petty juries at Monaghan

How the gentry lived.

Assizes for Fermanagh,

¹ Davies to Salisbury, May 4, 1606; Brouncker's letter of September 12, 1606.

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and
Cavan,
1606.

The assizes were held at Devenish near Enniskillen, but all prisoners were acquitted, owing to the careless way in which the evidence had been prepared by the sheriff and the local justices. At Cavan better order was kept, and several civil suits were decided, and the circuit through the three counties was completed in a month. While the Chief Justice and the Attorney-General were delivering the gaols and hearing causes, the Lord Deputy and the Lord Chancellor were occupied with inquiries into the tenure of land. The inhabitants were invited to say what lands they actually possessed, and to set forth all their titles. The evidence thus collected was carried back to Dublin, where it could be sifted and compared with the records.¹

The Act of
Supre-
macy at
Waterford,
1606,

at New
Ross,

at
Wexford,

and at
Wicklow.

In September, 1606, Davies accompanied the Chief Justice to Waterford, where the chief business was to impose fines for recusancy. Aldermen were prosecuted in the presidency court, the total sum exacted being less than 400*l*. Others were indicted under the statute of Elizabeth to recover the penalty of one shilling for absence from Church, and about 240*l*. was raised in this way. A special jury was empanelled and a sort of commission to inquire into the ecclesiastical state of the county, and the judges then proceeded to New Ross, where they found that occasional conformity was practised, and that there was sometimes riotous brawling to 'disturb the poor minister from making a sermon which he had prepared for his small auditory,' and even in celebrating the Sacrament. The sovereign of the town was foremost on these occasions. The leaders were cited before the Star Chamber, and the common people were prosecuted for the shilling fine. At Wexford there were many prisoners, and one was condemned and executed for burning down the Protestant vicar's house. There were 300 civil bills, and even Donell Spaniagh showed an inclination to substitute litigation for cattle-stealing. At Wicklow assizes were held for the newly made shire, and two 'notable thieves in the nature of rebels' were hanged. Here, as at Wexford, there

¹ Davies to Salisbury, written at Waterford in September 1606, and printed in Davies's *Tracts*.

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hier-
archies.

seemed a general inclination to accept the new system, and Feagh McHugh's son was as litigious as Donell Spaniagh. Here, as at Waterford, an inquisition was ordered into the state of the church, but Davies could not see how fitting incumbents were to be provided. The bishoprics were 'supplied double,' one by the King and one by the Pope, but the result was not to advance religion.¹

Com-
pulsory
church-
going,
1607.

In the following summer Davies made a circuit in Meath, Westmeath, Longford, King's County and Queen's County. The country was peaceful and the relentless enforcement of the shilling fine for every Sunday's and holiday's absence from service had the effect of filling the town churches, but this reformation was 'principally effected by the civil magistrate,' for ruined churches and absentee incumbents were general throughout the country. The flight of Tyrone and Tyrconnel soon after made no difference at all in the state of the country generally, and the courts in Dublin were crowded with suitors from all parts of the kingdom.²

The Act
of Uni-
formity in
Ulster,
1611.

One of the most active promoters of uniformity was Andrew Knox, Bishop of the Isles, who was appointed to Raphoe in the summer of 1610, but without resigning the first see. After visiting his new diocese, he went to Court and gave such an account of Ulster as to bring on one of the King's hot fits in the matter of enforced conformity. In his old age Knox learned that Protestants in Ireland could not afford to be divided, and was ready to stretch a point so as to include his Presbyterian fellow-countrymen in the ministry. But in his more pugnacious days he was intent on the impossible task of driving the Roman Catholic population to conform. The result of his representations was an order from James himself directing that the Ulster bishops should meet for the purpose of suppressing Papistry and enforcing uniformity. Each prelate was to visit every parish in his diocese annually, to administer the oath of allegiance to all persons of note, whether spiritual or temporal, to have Jesuits, seminary priests, and friars arrested and brought to the Lord Deputy,

Andrew
Knox.¹ Davies to Salisbury, November 12, 1606.² Davies to Salisbury, August 7 and December 11, 1607.

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The rival
churches
in Dublin.

and to let no ecclesiastic of foreign ordination enjoy benefice or cure unless he would use the book of Common Prayer. The bishops were to be active in teaching and catechising for the purpose of reclaiming recusants, to repair ruined churches, and to appoint fit pastors, 'or at least for the present such as can read the service of the Church of England to the common people in the language which they understand'—that is to say, for the most part in Irish. The exact method was left to Chichester's discretion, and only four days after the date of James's letter the Council informed the Lord Deputy that his Majesty had considered how the people were blinded by the Jesuits, and that he might introduce reforms gradually. The latter letter reached Chichester long before the other, but a meeting of bishops not confined to those of the northern province was held in Dublin in June, and while waiting for the arrival of his brethren Knox preached in the Dublin churches. He found that congregations of several hundreds had been reduced to half a dozen, that the clergy of the Establishment, with few exceptions, were careless and inefficient, and that the Papal clergy were active and well supported. The cargoes of ships unloading in Dublin harbour seemed to consist principally of 'books, clothes, crosses, and ceremonies.' And still he had good hopes of banishing all these things out of Ulster. Chichester, who was better informed and therefore less sanguine, reported that he had carried out the King's orders as far as possible, and he republished the proclamation of June 1605. The oath of allegiance he had no legal power to administer. The only practical result of it all was the execution of Bishop O'Devany and some other priests, which certainly did not help the cause of the Reformation.¹

¹ The King to Chichester, April 26, 1611, sent by Knox and delivered June 15; Lords of the Council to Chichester, April 30; Bishop Knox to Abbot, July 4; Report by Chichester and Archbishop Jones, October 7. O'Sullivan has a full account of Knox's proceedings, violent in tone but not substantially disagreeing with the official correspondence. He says the Catholics were bound to place in all parish churches at their own expense '*biblias corruptæ, mendosæque versionis in vulgarem sermonem traductas.*'—*Compendium*, 221.

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VI.Chichester
deports
Irishmen
to Sweden,
1609-1618.

When giving an account of his stewardship in 1614, Chichester took credit for having sent 6,000 disaffected Irishmen to the wars in Sweden. In the main these were the Ulster swordsmen, for whom it was found impossible to find room in Ireland, but some masterless Englishmen and not a few town idlers were included contrary to the Lord Deputy's orders, and privates sought the ranks as an alternative for the gallows. The majority were partly coaxed into going and partly pressed, nor was the transfer effected without disorder. In the autumn of 1609 three ships left Lough Foyle with 800 men, and another was ready with a full cargo at Carlingford, but the Irish mutinied at the instigation of Hugh Boy O'Neill, ran the vessel on a bank, smashed the compasses, and would have done more mischief if troops had not been soon at hand. Three or four mutineers were ordered for 'exemplary punishment,' and were probably hanged, but Hugh Boy escaped and is no more heard of. The ship was got off, but was still unlucky, losing all her rigging in a storm and being with difficulty towed off the coast of Man into a Scotch harbour. There another craft was hired and the voyage continued, but it is not likely that all the men got to Sweden, for the captain in charge wrote from Newcastle to describe their misdoings. Chichester, however, was able to report that before the end of 1609 900 of those who troubled the quiet of Ulster had been got rid of. For example's sake he had begun with his own territory of Inishowen, and sent away thirty tall fellows who had been in O'Dogherty's rebellion. Many hundreds were also sent from Leinster who were either loafers in the Pale or belonging to the Kavanaghs, O'Byrnes and O'Tooles, 'and to speak generally they were all but an unprofitable burden of the earth, cruel, wild, malefactors.' Among the penniless young men of good Irish family who knew no trade but fighting some were willing enough to serve Sweden as they or their fathers had served Queen Elizabeth. Some had acquired a taste for camp life in Flanders, and others volunteered with a wild idea of joining Tyrone on the Continent, or because their position at home was desperate. Such men had their personal followers, but there seems little

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The
Swedish
service
unpopular.

doubt that the rank and file were for the most part pressed. The Swedish service had not a good name, perhaps because the discipline was too severe, and the priests from abroad, 'all lusty able young men, always well armed,' did what they could to make it unpopular. Some said that it was intended to throw all the Irish swordsmen overboard; others with better reason maintained that it was 'altogether unlawful to go to such a war, where they should fight for a heretic and an usurper against a Catholic and a rightful King.' The description might apply to Charles of Sweden first and later to the Elector Palatine. Chichester persevered, but assuming that he actually sent off 6,000 there were still plenty left in Ireland. Sir Robert Jacob, the Solicitor-General, said there were 2,000 idle men who had no means 'but to feed upon the gentlemen of the country . . . he is accounted the bravest man that comes attended with most of those followers.' There were 4,000 of the same sort still in Ulster, 3,000 in Leinster, and as many in Munster. In 1619, St. John thought 10,000 might well be spared to any foreign prince. There are no better soldiers than disciplined Irishmen, but there seem to have been difficulties in Sweden with these wild men, for Gustavus Adolphus, the year before his death, declined the services of an Irish regiment as not being trustworthy. Irish friars dressed like soldiers were often busy in persuading their comrades to desert Sweden or Denmark and join the Spanish forces in the Netherlands. The King of Poland was, however, allowed a little later to raise men in Ireland. The religious question did not arise in this case, yet the Lord Deputy was ordered to watch the recruits lest they should run away, 'as it has been oftentimes in such case,' as soon as they had received their first pay. When the Spanish match was broken off it was thought that the Poles would exert themselves to prevent the northern powers from interfering in case the Spaniards and their allies were to invade King James's dominions.¹

Others are
sent to
Poland.

¹ Jacob, S. G., to Salisbury, October 18, 1609; Davies to same, October 19; Chichester to same, October 31; Captain Lichfield to same, December 31, Lords of the Council to Chichester, June 8, 1610; Richard Morres ('a poor

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VI.Prevalence
of piracy.

The preamble of the Act of 1614, against piracy, sets forth that 'traitors, pirates, thieves, robbers, murderers, and confederators at sea' often escaped punishment through defects in the law, and alterations were made which may have abated the evil but without curing it. The weak and corrupt administration of the navy, which was long sheltered by Nottingham's great name, had made the sea unsafe, and the harbours of Munster lay open to the rovers. Before the end of 1605 a pirate named Connello was imprisoned in England for robbing some Exeter merchants, but was saved by the intercession of the Howard faction, some of whom were very probably paid. Those who had been active in apprehending him were threatened with vengeance, and Connello attacked a Barnstaple vessel and carried the oil and wool which she contained to the neighbourhood of Wexford, where he was captured. The captain, master, and one other old offender were sent to England and there hanged, though they hoped to escape through the same help as before; but Devonshire, who was still Lord-Lieutenant, probably prevented this. They could all read well, but Chichester begged that such offenders might be deprived by law of 'the benefit of their book.'¹

Chichester was willing to hang a thousand pirates if he could catch them, but this was not at all easy. Englishmen and Flemings infested the Spanish coast and fell back upon Ireland for provisions. In one year they robbed more than 100 fishing boats on the Munster station, and all trade was unsafe; but the Admiralty gave very little help. Sometimes there was a King's ship at hand and sometimes there was not, and the Irish Government had to do as best they could with the help of private craft, or, Chichester wrote in the summer of 1607, 'to descend to such little acts and stratagems as of late has been done at Youghal.' There were two Bristol

Weakness
of the
navy.

soldier to my lord') to Salisbury, 1611, No. 353; Note of Lord Chichester's services calendared at May 1614, No. 825; Vice-Treasurer Ridgeway's minute, August 1615, No. 166; Lord Esmond to Dorchester, June 20, 1631. *Court and Times of Charles I.*, ii. 135. For the Polish element in the matter see the State Papers, *Ireland*, calendared at September 29, 1619, August 1621, No. 773, and June 17, 1624.

¹ Chichester to Devonshire, January 2, 1606; to Salisbury, April 13, 1608.

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vessels in that harbour together, one commanded by Captain Coward, who was supposed to be a pirate. Captain Hampton, instigated by the acting vice-admiral, hid eighty men under hatches, and seizing his opportunity, took possession of Coward's and killed some of his crew. Cowards' guns fell into the hands of authority, and Chichester would have sent him over to England for trial, but Lord Thomond 'found it more expedient to cherish him for his better part, being a good seaman and an excellent pilot upon this coast.' It is no wonder that the Privy Council found it hard to understand such proceedings, and that they were at their wits' ends 'to satisfy the ambassadors of foreign princes.' Coward naturally relapsed into his old courses in the following year, but at last he was captured with a scarcely less formidable comrade named Barrett, on the Connaught coast, by fishermen under the command of a Dutch engineer in the service of the Irish Government. These pirates appear to have been sent to England for trial, but Chichester was now in favour of pardoning them lest their allies should carry out their threat of burning the Newfoundland fishing fleet. Hitherto they had attacked foreigners chiefly, but if driven to desperation they would certainly not spare Englishmen. Whether Coward and Barrett were hanged or not, they appear no more in the Irish correspondence, but there were plenty of others to do the work.¹

Land
thieves
and water
thieves.

Baltimore, the scene of a terrible tragedy in the next reign, was at first thought of as a suitable haven for the pirates, but the vigilance of Mr. Thomas Croke made it unsafe for them. Their many allies and abettors on land accused Croke of complicity in their misdeeds, but of this there was no evidence at all. Were he never so guiltless, the Privy Council wrote, his accusers would never believe it, and he was therefore sent to London, where he was triumphantly acquitted. Like other energetic men who have

¹ Wilmot's letter, January 16, 1606; Chichester to the Council, July 16, 1607; Lords of Council to Chichester, March 8, 1608, and his answer, March 30; Chief Baron Winch to Chichester, April 2; Council to Chichester, April 27, 1609; Chichester to Salisbury, July 19, 1610; to Salisbury and Nottingham, September 21; Council to Chichester, July 31.

helped to root English power in distant lands, Crooke had no want of detractors, but Lord Danvers, the President of Munster, was instructed to help him, and he was very willing to do so, being determined to prevent the coast of his province from being 'like Barbary, common and free to all pirates.' He had been specially charged by Salisbury and other ministers to look after a Spanish ship which had been seized by some rovers and was likely to reach Ireland. She was in fact brought or washed into Baltimore, and Danvers, 'knowing she was no better than Drake's monument at Deptford,' was ready to believe that she had gold hidden among her rotten timbers, and undertook to save her from being broken up by the pirates or their sympathisers on land, 'who would not leave the gates of hell unripped open in hope of gain.' As to Crooke, the Lord President enclosed a letter from the Bishop of Cork and others which shows how precarious the position of the best English settlers was. The bishop was William Lyon, a man of the highest character and a shining light among Irish Reformation prelates, who knew the district thoroughly. In two years Crooke had 'gathered out of England a whole town of English people, larger and more civilly and religiously ordered than any town in this province that began so lately, which has made him to be violently opposed and accused by divers persons who would weaken him in his good work.' He had been constantly employed against the pirates and both Brouncker and Danvers had acknowledged the value of his services. When Baltimore was incorporated with a view to the Parliament of 1613, Crooke became a burgess, and was its first representative in the House of Commons.¹

Settlement
at
Baltimore.

For long after the battle of Lepanto, the Spanish galleys had been supreme in the western half of the Mediterranean. The Armada proved that in a rough sea oars could do but

¹ Lords of Council to Chichester, March 8, 1608, and his answer, March 30; James Salmon (afterwards first Provost of Baltimore) to Thomas Crooke, June 23; Danvers to Salisbury, November 20, enclosing the letter from Bishop Lyon and others; Privy Council to Danvers, November 20; *Liber Munerum Publicorum*, vii. 50, where Crooke is described as 'armiger in legibus eruditus.'

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The Lord
President
blockaded
by pirates.

little against sails, and in the winter the rovers had it all their own way. In summer they sought the Irish coast, where there were plenty of quiet harbours and of people who were willing to receive stolen goods.

At the beginning of 1609, Lord Danvers was afraid to leave Cork harbour without the protection of a man of war, and after that date pirates continued to multiply. Their principal resort was Long Island Sound, to the west of Schull in the county of Cork. It was a fine anchorage for the largest ships then afloat, and the estuary now called Croagh harbour was available for careening. A squadron of eleven ships with a thousand men appeared on the coast in command of Edward Bishop, whom the pirates had chosen admiral, and as many more were expected to join them. Bishop was an able man, who was perhaps sorry for having chosen such a dirty trade, and it was thought possible to reclaim and employ him. He did not like siding with Turks against Christians in the Mediterranean, and he hated the ruffian John Ward, who had seduced so many English sailors from their allegiance. The Venetians hung thirty-six men at Scio, which may have increased Bishop's dislike to the work. When his fleet appeared off Ireland negotiations were soon opened, and after a while he submitted, and seemed really repentant, for he twice refused to accept the very lucrative command of all the corsairs in the Mediterranean at the Duke of Florence's hands, saying

A penitent
corsair.

'I will die a poor labourer in mine own country, rather than be the richest pirate in the world.' He did some service, but was unable to prevail with most of his late comrades, and incurred the enmity of the more desperate. 'Our intent,' said Peter Easton, 'when we went hence was not to rob any man, much less our countrymen, but only to find out and fight with the Hollander ships of war, who had of late carried themselves so insolently to his Majesty as to come into his harbour and seize on Bishop and his ship, being then under his Majesty's protection.' He had some quarrels with traders who did not understand this reasoning, and lives were lost. 'I told the merchants,' Easton added, 'that I would surrender up their ship and goods if I might have

any pardon ; but now in respect of the Duke of Florence's offer and the greatness of this wealth, I am otherwise resolved.' A little later Easton and his consorts had nine ships with 500 men and 250 guns. Many of them had wives and children living in comfort at Leamcon, and the 'land pirates' thereabouts supplied the rovers with provisions. Spanish and Moorish money was current, and it was believed that treasure had been buried on land. Quarrels among these rascals were frequent, and Easton made away with a noted colleague named Salkeld or Sakewell, but he himself continued to give trouble, though there were hopes of reclaiming him at times. In the summer of 1613 he was surprised by the Dutch at Crookhaven, and carried to Holland, where he was most likely hanged.

Bishop retired from business himself, but he did not altogether break with the rovers, for one Fleming who had murdered a Dutch merchant was taken in his house in 1617. St. John described him as 'an old pardoned pirate that lives suspiciously near Leamcon and Schull haven, ever plotting with and relieving of pirates.'¹

Another noted pirate was John Jennings, who came boldly into the Shannon towards the end of 1609, his ship laden with spoil and with a richly freighted Dutch prize which he had taken after losing sixty men in action against a French man of war. Danvers tried to stamp out the pirates by preventing the land carriage of corn, but he harassed honest men without much hurting the thieves. He believed that the pirates could always land 300 men at any point they thought fit, for it was impossible to have a man of war everywhere, and the King's ships could not keep the seas

Some
notable
pirates.

¹ Danvers to the Council, January 19, 1609; Sir R. Moryson to Salisbury, August 22; Henry Pepwell to Salisbury, August 22; Chichester to Salisbury and Nottingham, September 21, 1610; Captain Henry Skipwith (deputy vice-admiral) to Chichester, July 25, 1611; Roger Myddleton to Salisbury, August 23; Petition of Robert Bell to the King, July 1616, No. 277; Skipwith to Sir Dudley Carleton, August 24; St. John to Winwood, April 4, 1617, in *Buckleuch Papers*, Hist. MSS. Comm. Leamcon is now the name of a house and watch-tower opposite Long Island, but in the time of James I. it was given to the whole of the sheltered water between Castle Point and Schull Harbour.

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for more than three months without refitting, the sailors being but too ready to go home on the least excuse. There were several other piratical vessels at hand, the crews of which quarrelled with Jennings about the division of the Dutchmen's goods. Under these circumstances, and perhaps remembering Coward's case, Jennings applied to Lord Thomond for a pardon, and offered to give up the ship, but the latter had learned by experience, and preferred to surprise the pirate with the help of his discontented comrades. They were all ready to betray each other. Chichester was inclined to think that Jennings really intended to reform, and at all events he had not plundered the King's subjects. Some diamonds came into the hands of the Government, but the valuable 'small ends' (perhaps of tobacco) had been 'carried away in the shipmen's great breeches.' Both Thomond and Chichester were inclined to mercy, but the English Council remembered its ill-success in Coward's case, and Jennings was duly hanged.¹

No part of
the coast
safe.

The south-west coast was the chief but by no means the only resort of the pirates. Three were captured in Ulster in 1613, and three in the following year, and executed 'upon the strand at low-water mark, by Dublin.' In the latter case the pirates had stolen a Chester ship lying off Dalkey and taken her to Lough Swilly, where they were apprehended by the help of one called 'bishop O'Coffie,' but probably a Roman Catholic vicar-general of Derry or Raphoe. In 1610 they waylaid but failed to intercept the ship which brought the Londoners' money to the new settlement at Coleraine. Blacksod Bay and other remote harbours in Mayo were used by Jennings and his contemporaries, and long afterwards the inhabitants were reported to be 'so much given to idleness that their only dependence is upon the depredation and spoils of pirates, brought in amongst them by reason of the convenience and goodness of their harbours; for there is

¹ Danvers to the Privy Council, January 19, 1609, and to Salisbury, February 24; Chichester's letters of February 5 and April 7; the Council to Chichester, April 27; Chichester to Salisbury, Northampton, and Nottingham, April 11, 1611.

their common rendezvous.' Even Carrickfergus sometimes served as an anchorage for rovers, who robbed small vessels between Holyhead and Dublin. Dutch and French merchants suffered more than the English, and the States Government, with the King of England's sanction, sent a special squadron to Ireland, whom the pirates seem to have dreaded much more than their own sovereign's cruisers. The French sometimes acted against the pirates, and there were negotiations with Spain, but the Government admitted towards the close of 1612 that the evil could only be checked in the West of Ireland 'by laying the island and sea coast waste and void of inhabitants, or by placing a garrison in every port and creek, which is impracticable.' In the autumn of 1611 nineteen sail of pirates were sighted on the west coasts, most of whom drew towards Morocco at the approach of winter, when the Spanish galleys were not much to be feared. This was their constant practice, and in the then state of European politics they were as sure to find employment on the sea, as their congeners the 'bravi' were to find it on land. The pirates continued to give trouble until Strafford's time.¹

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French,
Dutch, and
Moors.

¹ Chichester's letters of January 29 and June 27, 1610, *Desiderata Curiosa Hibernica*, i. 206, 314; Lords of the Council to Chichester, September 9, 1611, January 31, and November 18, 1612; Lord Carew to Salisbury, September 6, 1611. The international importance of the pirates will be best understood from the early chapters of Mr. Julian Corbett's *England in the Mediterranean*.

CHAPTER VII

THE PARLIAMENT OF 1613-1615

The King
determines
to hold a
Parlia-
ment, 1611.

SINCE the dissolution of Perrott's Parliament in 1586 none had been held in Ireland, but James made up his mind to have one. Lord Carew was instructed to obtain information as to how it had best be done, legal sanction for the Ulster settlement and for the general establishment of English law being mentioned as principal objects. There were but four bishops and four temporal peers alive who had served on the last occasion, and no perfect list of Perrott's House of Commons existed in Ireland. The law and practice of Parliament were almost forgotten, and William Bradley, Davies' agent in Ulster, was appointed clerk of the proposed Lower House, and sent over to confer with the officials in England, where he unearthed a journal of Perrott's Parliament. Having received instruction in parliamentary forms, he brought back a commission which enabled Chichester to decide all questions of precedence. Robes and a cloth of estate for the Lord Deputy were sent over by the same messenger.¹

New con-
stituencies
are
created.

The
counties.

The
boroughs.

In order to carry out the royal policy in Ireland it was evidently necessary to secure a Protestant majority, and this could hardly be done without creating new constituencies. The power of the King to make boroughs was not seriously disputed, and it was exercised in England as late as 1673. Thirty-three shires, counting the Cross of Tipperary, returned two members each, and it was hoped that half of these might be depended on. The cities and boroughs which received writs for Perrott's Parliament were thirty-six in number, but of these Carrickfergus and Downpatrick made

¹ Instructions for Carew, June 24, 1611, in *Carew Papers*; Chichester to Salisbury, February 17, 1611; Lords of Council to Chichester, March 7, 1613; King to same, March 21; Lords of Council to same, October 9, 1612.

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Ulster.

Munster.

Leinster.

Con-
naught.Character
of the new
boroughsUniversity
represent-
ation.A Pro-
testant
majority
secured.

no returns. Cavan, Derry, Gowran, and Athlone had since become corporations, and were presumably entitled to their writs in the ordinary way. James created thirty-nine new boroughs expressly for parliamentary purposes, of which no less than nineteen were in Ulster, where the late forfeitures had made the Government strong: Belfast, Coleraine, Newry, Bangor, Newtownards, Armagh, Charlemont, Dungannon, Agher, Strabane, Clogher, Derry, Lifford, Ballyshannon, Donegal, Limavady, Enniskillen, Monaghan, Belturbet. The Munster cities and towns were almost desperate, one member each from Youghal, Dungarvan, and Dingle being the most that could be expected, and nine new boroughs were created: Lismore, Tallow, Mallow, Baltimore, Bandon, Clonakilty, Ennis, Tralee, and Askeaton. In Leinster the new creations were Athy, Carlow, Newcastle (Dublin), Ballinakill, Fethard (Wexford), Enniscorthy, Kilbeggan, and Wicklow. In Connaught the new boroughs were Tuam ('the Archbishop's chief seat, which will send Protestants'), Sligo, Roscommon, Boyle, Castlebar, and Carrick-on-Shannon. Care was taken to select places which might at least be expected to grow into good-sized towns. A few of them were, and have remained, mere villages, but most of them are reasonably large country towns, while Belfast, Londonderry, Coleraine and Sligo have become much more. The University of Dublin returned two members for the first time; and there could be no doubt that the Government would be able to command a majority. In the House of Lords reliance was placed upon the bishops; but some of the temporal peers were Protestants, and there was little danger of accidents happening there. The Roman Catholic lords and principal gentlemen of the Pale saw that they would be in a minority, and suggested in a letter to the King that the Parliament should be held in England.¹

¹ List of Perrott's Parliament in *Tracts Relating to Ireland*, ii. 139; List of the Parliament of 1613 in *Liber mun. pub. Hiberniæ*, vii. 50; Remembrances touching the Parliament, No. 93 in vol. v. of *Carew Papers*; as to Connaught and Munster, *ib.*, Nos. 92, 87; Calculations as to the votes of the nobility, *ib.* 86; Brief Relation of the Passages in Parliament (part in Carew's hand), *ib.* 149. Counties and boroughs sending burgesses to Parliament in State

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The oath of
supremacy
not
exactd.

When it was decided to call a Parliament, Carew advised that every member of the House of Commons should take the oath of supremacy, 'as they do in England,' or be disqualified. 'But if that shall seem too sharp to be offered, yet a rumour that it is required will be a means to increase the number of Protestant burgesses and knights, and deter the most spirited Recusants from being of the house.' The rumour was spread about accordingly, though the sharp offer was not actually made, and Davies thought it would have the desired effect. Ireland, he said, was rich in saints, but had never produced a martyr, and the Recusants, rather than suffer a repulse by refusing the oath, would 'make return of such as will take it, and yet not easily yield to make sharp and severe laws against them.' But the King decided to rely on the new boroughs and not to have the oath administered, there being no law in Ireland by which the members could be compelled to take it. It was at first intended that the Parliament should meet in November 1612, but things could not be got ready so soon, and it was postponed first to February and then to May in the following year.¹

Strong
Roman
Catholic
opposition.

Opposition on the part of the Recusants was soon found to be much more determined than Davies had anticipated. As early as October 1612 Sir Patrick Barnewall had written against it, and in the following month lords Slane, Killeen, Trimleston, Dunsany, and Louth addressed a letter to the King in which they complained of not being previously consulted as to the measures to be laid before Parliament, and claimed to be the Irish Council within the meaning of

Papers, *Ireland*, April 1, 1613. A letter written in 1612 by David Kearney, Archbishop of Cashel, and others, to the Irish seminaries in Spain, says, 'What keeps everyone in a state of intense suspense is the fear of the approaching Parliament, in which the heretics intend to vomit out all their poison and infect with it the purity of our holy religion, and it is expected that things will take place in it such as have not been seen since the schism of Henry VIII. began.'—*Spicilegium Ossoriense*, i. 122.

¹ Carew's Remembrances to be thought of touching the Parliament in *Carew Papers*, 1611, No. 93; Davies to Salisbury, October 14, 1611, *State Papers, Ireland*; The King to Chichester, June 2 and September 26, 1612, in *Cal. of State Papers, Ireland*; Brief Relation, etc., in *Carew Papers*, 1613, No. 149.

Poynings Act. This position was, no doubt, unsustainable ; but their other arguments were of more weight. They protested against boroughs being made out of wretched villages, by the votes of whose mock representatives ' extreme penal laws should be imposed on the King's subjects.' Ecclesiastical disabilities had been very sparingly and mildly pressed by Queen Elizabeth, but now the fittest men were excluded from official positions even in the remotest parts of the country. There were already plenty of Irish rebels on the Continent, and it was undesirable to add to the number of those who ' displayed in all countries, kingdoms, and estates, and inculcated into the ears of foreign kings and princes the foulness (as they will term it) of such practices.' It was by ' withdrawing such laws as may tend to the forcing of your subjects' conscience ' that the King might settle their minds and establish their fidelity. This letter had no immediate effect ; the manufacture of boroughs was proceeded with, and Chichester was made a peer, an honour, said James, which had only been deferred so that the meeting of Parliament might give it greater lustre. The King directed him to call up by writ as peers certain persons distinguished by their nobility of birth and by their estates in Ireland—namely, the Earl of Abercorn, Henry Lord O'Brien, the Earl of Thomond's eldest son, who was a sound Protestant, Lord Ochiltree and Lord Burghley ; but there was a majority without these, and they were not to come unless their private affairs admitted. As a matter of fact, they do not seem to have attended. All the old nobility, being of full age, received their writs of summons, except Lord Castle Connell, whose title was actually under litigation. Lord Barry's claim was allowed, as it had never been disputed in fact, though he had an elder brother who was a deaf mute.¹

Demand
for tolera-
tion.

The peers
sum-
moned.

On the eve of the opening of Parliament eleven recusant lords addressed a petition to the Lord Deputy in which they repeated the complaints of the former letter.

Renewed
Roman
Catholic
com-
plaints.

¹ Letter of Lords Gormanston, Slane, Killeen, Trimleston, Dunsany, and Louth to the King, November 25, 1612, printed in *Leland*, ii. 443 ; the King to Chichester, March 4 and 31, 1613, in *Cal. of State Papers, Ireland*.

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Chichester's
answer.

They further objected to peers of England or Scotland being called by writ. A better-founded grievance was the partiality shown by sheriffs and returning officers. They also protested against the slur cast on their loyalty by the presence of troops, and against the Castle as a place of meeting, especially as it was over the powder magazine. The audacious allusion to the Gunpowder Plot gave Chichester a fine opportunity of retort. The powder, he said, had been removed to a safe place; 'but let it be remembered of what religion they were of that placed the powder in England and gave allowance to that damnable plot, and thought the act meritorious, if it had taken effect, and would have canonised the actors.' As to the boroughs, he could only stand upon the King's prerogative, the best choice possible having been made; but disputed elections were for the House of Commons and not for him. As for the soldiers, they were but one hundred foot, brought into Dublin to protect the Government and Parliament against the tumultuous outrages of the ruder part of the citizens who lately drove their mayor from the tholsel and forbade him to repair to the Lord Deputy for succour.¹

Parliament
meets.

Parliament met in the Castle on May 18. The discontented lords and gentlemen had brought armed retinues with them, and the Government thought that no open building would be safe. As the Recusant lords refused to attend, nothing could happen in the Upper House; but in the Commons there was an immediate trial of strength over the election of Speaker. Sir John Davies had been returned for Fermanagh, and the Protestant party at once accepted him as the Government candidate; while the Opposition were for Sir John Everard, member for Tipperary. Everard was a lawyer of high character who had been second Justice of the King's Bench and had resigned early in 1607 rather than take the oath of supremacy. Thomas Ridgeway, the Vice-Treasurer, who

Contest
for the
Speaker-
ship.

¹ Petition of May 18, 1613, with Chichester's answer in *Carew Papers*. The signatories are Lords Gormanston, Fermoy, Mountgarrett, Buttevant, Delvin, Slane, Trimleston, Louth, Dunboyne, and Cahir. The names of Lords Killeen and Dunsany, who signed the first letter, are absent, but the former was active later.

sat for Tyrone, proposed Davies as the fittest person and as recommended by the King himself, and the majority assented by acclamation; but Sir James Gough, member for Waterford county, proposed Everard, and was seconded by Sir Christopher Nugent, who represented Westmeath. Gough objected to all the new boroughs and to all members who were not resident in the places which returned them; and William Talbot, member for Kildare, who had been removed from the recordership of Dublin for refusing the oath of supremacy, moved that the House should be purged from unlawful members before a Speaker was chosen. Sir Oliver St. John, Master of the Ordnance, who had been returned for Roscommon, thereupon remarked that he had sat in several English Parliaments, and that a Speaker must be chosen before election committees could be appointed. The practice in England was for the 'Ayes' to go out and for the 'Noes' to remain within. "All you," he said, "that would have Sir John Davies to be Speaker come with me out of the House." The Opposition, who stayed inside, refused to name tellers, and Sir Walter Butler, his colleague in the representation of Tipperary, placed Everard in the chair, where he was held down by Sir Daniel O'Brien of Clare and Sir William Burke of Galway. Ridgeway and Wingfield then offered to tell for both sides, but the Opposition gathered together 'in a plumpe' so that they could not be counted. As the majority returned the tellers called the numbers out loud, and 127 were found to be for Davies, which was a clear majority in a possible 232. St. John called upon Everard to leave the chair, but he sat still; whereupon the tellers placed Davies in his lap, and afterwards ejected him with some show of force. It was pretended that great violence was used, but an eye-witness declared that there was none—"not so much as his hat was removed on their Speaker's head." The defeated party then walked out, and Talbot said, 'Those within are no House; and Sir John Everard is our Speaker, and therefore we will not join with you, but we will complain to my Lord Deputy and the King, and the King shall hear of this.' The outer door having been locked during the division, Burke

Violent
proceed-
ings in the
Commons.

Sir John
Davies is
elected.

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and Nugent re-entered to demand the keys. Davies invited them to take their seats; and when the door was opened, Everard and all his party left the Castle, declaring that they would return no more.¹

Continued
opposition
of the
Recusant
Lords,

and
Commons.

who refuse
to attend
the House.

Speeches
of Sir John
Davies.

On the following day the Roman Catholic lords wrote to the King reiterating their arguments, avoiding the name of Parliament, which they called an intended action, and repeating the thinly veiled threats of their former letter. The Opposition in the House of Commons wrote in somewhat the same strain to the English Council, maintaining that Everard was the real Speaker, and that he had been forcibly put out. During the next two days they sent three petitions to the Lord Deputy. In the first they begged to be excused attendance for fear of their lives, and asked to see the official documents relating to the late elections. In the second they declared themselves ready to attend if they might be assured that their lives were safe, and that they should have an opportunity of questioning improper returns. Chichester granted this, and said he would be ready in the House of Lords to receive their Speaker. The Lower House met at nine on the morning of the 21st, but the Opposition refused to attend, and demanded the exclusion of the members to whose return they objected. Having exhausted all methods of persuasion, Chichester came down to the Lords, and the House of Commons were summoned to attend. Davies had in the meantime briefly returned thanks for his election, modestly depreciating his own fitness but enlarging upon the wisdom of those who had chosen a spokesman to represent them; 'for the tower of Babel may be an example to all assemblies that where there is a confusion of tongues, great works can never go well forward.' After the Lord Deputy had approved him as Speaker, Davies made a much longer speech, in which he traced the history of Parliaments in Ireland, showing how partial their nature and effects

¹ Narratives in *Carew Papers*, 1613, Nos. 146, 147, 149, the last paper being a detailed account signed by forty-one Protestant members. Dr. Ryves to Dr. Dunn, May 29, in *Cal. of State Papers, Ireland*. St. John had been active in the English Parliament of 1593, and was M.P. for Portsmouth 1604-1607.

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VII.

The
Tudors
held
Parlia-
ments for
special
objects.

King
James I.
to hold a
real
Parlia-
ment in
Ireland.

Davies
praises
Chichester.

And
flatters
James.

had hitherto been. During the later Middle Ages Ireland outside the Pale had not been within the scope of the Constitution, and since Henry VII. the few Parliaments summoned had been upon special occasions. Henry VIII. had held two, one for attainting the Geraldines and for abolishing the Pope's title, the other for turning the lordship into a kingdom and for suppressing the abbeys. The object of Mary's Parliament was to settle Leix and Offaly in the Crown, thus introducing the policy which Elizabeth had followed up. The establishment of the reformed Church, the declaration of the Crown's title to Ulster, and the forfeitures which followed the attainder of Desmond and Baltinglas had occupied the great Queen's three Parliaments. Now, under James, a representation of the whole kingdom was attempted for the first time, and general legislation would be taken in hand. As to the new boroughs, Davies argued that, as Mary had created two and Elizabeth seventeen counties, the right to make boroughs could hardly be denied to King James. He had made about forty, and the proportion of boroughs to counties was still less than it had been before Mary's creations. As to the peers, there were now none who did not fully acknowledge the King; and no see was without a bishop appointed by him. Davies concluded his speech with some well-deserved praise of Chichester and with much bare-faced flattery of James. 'He had sung the virtues of Elizabeth in courtly verse; for he knew her weak point, in spite of which she was one of the greatest and wisest sovereigns that the world has seen. That might be excused, but a man of the Attorney-General's attainments ought to have been above describing James as 'the greatest and best king that now reigneth upon the face of the earth . . . whose worthiness exceeds all degrees of comparison.'¹

¹ Narratives *ut sup.* Davies's first speech is given in Grosart's edition of his *Prose Works*, ii. 218 (Private Circulation, 1876); the other in Davies's *Tracts*, 1787, from a copy in the British Museum, formerly in Clarendon's possession, compared with one in the Commons Journal, printed by Leland as an appendix. Both speeches are printed in *Desiderata Curiosa Hibernica*. Davies was well versed in English history and legal antiquities, but he confounds the 'Parlement' of Paris with the States General.

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VII.

Patience
of Chi-
chester.

The
Opposition
send
delegates
to the
King,

and the
Deputy
follows
suit.

Frequent
proroga-
tions
follow.

If Chichester had chosen to take advantage of the refusal of the Opposition to attend in either House, he might have made any laws he pleased. As it was, he showed the greatest patience. The Lord Chancellor, with the bishops and four temporal peers, came to the Upper House, but no one else appeared; and eleven Recusants sent their reasons in writing for staying away. Two days later the seceders were summoned by proclamation in order to pass a Bill for the recognition of the King's title. The Recusants acknowledged this in writing, but refused to appear, though the Lord Deputy promised that no other business should be taken in hand, and contented themselves with sending delegates to represent their grievances to the King. A general levy of money to defray expenses was made all over Ireland, 'whereunto the Popish subjects did willingly condescend'; but when this came to James's ears, he ordered it to be forbidden by proclamation. The deputation, to whose departure Chichester made no objection, consisted of Lords Gormanston and Dunboyne, with Sir Christopher Plunkett, Sir James Gough, William Talbot, and Edward FitzHarris, the defeated candidate for the county of Limerick. The Government sent out Lord Thomond, Chief Justice Denham, and Sir Oliver St. John to explain the situation in London; and they carried over all the declarations and petitions of the Recusants. Parliament was adjourned until the King should be in a position to make up his mind, and afterwards, by special royal order prorogued to November 3. There were six successive prorogations, and the Irish Houses did not assemble again until October 1614, during which time the addled Parliament had met and separated in England. This may have been partly the consequence of Bacon's advice, who saw the inconvenience of having two Parliaments going on at once. The mere fact that things were unsettled in Ireland might, he thought, be a good reason for expecting a liberal supply in England.¹

¹ Petitions and declarations by the Recusants in Parliament calendared in State Papers, *Ireland*, May 17-27, 1613; Lord Deputy and Council to the King, *ib.* No. 685; the King to Chichester, *ib.* July 8.

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VII.Royal
Commis-
sion for
grievances.

Towards the end of August, when the King returned from his progress, he issued a commission to Chichester himself, to Sir Humphry Winch, late Chief Baron in Ireland and now a Judge of the Common Pleas; Sir Charles Cornwallis, lately Ambassador in Spain; Sir Roger Wilbraham, who had been Solicitor-General in Ireland; and George Calvert, clerk of the Council. Two sets of instructions were given to them: by the first they were to inquire into all matters concerning the Irish elections and the proceedings in Parliament; by the second to report upon all general and notorious grievances, of which a few were specially mentioned. The English commissioners reached Dublin on September 11, and immediately proceeded to inquire into parliamentary matters, at the same time giving notice far and wide that they had come to inquire into grievances generally. For a month there were no complaints, and it was not until the return of some of the recusant petitioners from London that any progress could be made in that direction. James had been very careful to tell Chichester that he did not distrust or blame him, but attributed the attacks on him to the priests and Jesuits. His great object was to teach the Irish to seek redress by an orderly petition to their Sovereign rather than 'after the old fashion of that country, to run upon every occasion to the bog and wood, and seek their remedy that way.' This inquiry would only strengthen the Deputy's government. If the malcontents could be induced to get to work in Parliament by taking unopposed business first, probably the rest would follow in good time.¹

Having examined the officers of Chancery upon oath, the Commissioners found that writs had been duly issued to 'all counties, ancient cities, and boroughs,' and returns made. Where specific instances of wrongful election had been alleged, each case was gone into upon its merits. Nine of these were in counties and five in cities or boroughs. In

Proceed-
ings of the
Commis-
sioners.

¹ The instructions to the Commissioners are in *Desiderata Curiosa Hibernica*, omitting the first two which are now supplied by *Irish Cal.*, 1613, No. 781. Bacon to the King, January 1614, in *Spedding*, v. 2; The King to Chichester, September 1613, *Cal.* No. 759.

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VII.

Disputed
elections.
Fer-
managh.

Fermanagh it was alleged that Connor Roe Maguire and Donnell Maguire had been duly elected, notwithstanding which Sir Henry Ffolliot and Sir John Davies had been returned; and that Captain Gore had pulled out Brian Maguire's beard because he had voted for his namesake. In this important case the defeated candidates were summoned before the Commissioners, who reported that one who spoke no English had declined to appear, and that the other, having been indicted for treason, had broken prison and betaken himself to the woods. As for Brian Maguire, he confessed that 'Captain Gore did shake him by the beard, but pulled no part of it away, nor did him any other hurt.' In Tyrone the question was between Sir Thomas Ridgeway, afterwards Earl of Londonderry, who was returned, and Tirlagh O'Neill, who spoke no English. It appeared that thirty-four British freeholders voted for the former and twenty-eight for the latter—such were county elections in those days. The result was that no knight of the shire was unseated; and in the worst cases the evidence was certainly conflicting.¹

Contest in
Dublin.

The writ to the sheriffs of Dublin was issued on April 1, and on the following day they gave their warrant to the mayor, Sir James Carrol, to hold an election. On the 20th, when the sheriffs sat in their court, they were persuaded by the Recusant citizens to come to an election in the mayor's absence. Alderman Francis Taylor and Thomas Allen were returned unopposed; but the mayor ignored the proceedings, and held a fresh election seven days later on what is now College Green, outside the walls but within the liberties of Dublin. Proclamation had been made at ten that morning, and the nomination took place accordingly at two. The Recusant party acknowledged the validity of the proceedings by nominating Taylor and Barry, who had already been declared duly elected; but the mayor proposed the recorder,

¹ Schedule of returns in *Irish Cal.*, May 31, 1613, with the Commissioners' awards at November 12, also printed in *Desiderata Curiosa Hibernica*. The other disputed county elections were in Armagh, Cavan, Down, King's County, Limerick, and Roscommon.

Richard Bolton, and Alderman Richard Barry. The voices appearing about equal, Carrol ordered a division, and declared the majority to be for his nominees, but without actually taking a poll. The beaten party petitioned on the ground that the original election was good, that the second was really held before two o'clock, and that the majority in fact was for Allen and Taylor. The first question was left by the Commissioners to the lawyers in England. Watches were perhaps not then very common in Dublin, but the weight of evidence was in favour of the appointed hour having been observed, and of the majority having been on the side of Bolton and Barry. It was not denied that no poll had been taken.¹

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VII.

The Commissioners find the facts.

Besides the general objection to the new boroughs special objection had been taken in five cases, of which the most remarkable was that of Cavan. It was alleged that Captain Culme, who brought a mandate from the county sheriff, had proposed himself and the Lord Deputy's secretary, George Sexton, but that the townsmen had refused to elect them. Four or five days later the high sheriff, Sir Oliver Lambert, held an election, and it was said that he behaved with great violence, while his musketeers with matches burning excluded all but his partisans. Thomas and Walter Brady were the opposition candidates, and George Brady, who voted for his namesakes, was struck by Lambert. The Commissioners found that this was after the election, that Brady had used bad or irritating language, and that Sir Oliver had struck him 'with a little walking-stick, but his head was not broken,' as the petitioners alleged. Culme and Sexton were declared duly elected, but the Commissioners found upon the evidence that the two Bradys had the majority. Later on the return was annulled, and in the end the two Bradys were returned. Kildare was the only other borough where the Commissioners found that an undue election had been made.²

Contests in Boroughs. Cavan.

Cavan members unseated. The Kildare case, and others.

When the Irish Parliament was just about to meet the English Council had sent for Sir Patrick Barnewall. He was known to have written letters declaring that the assembly as

¹ Schedule *ut sup.*

² Schedule *ut sup.*

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VII.The dele-
gates in
London.Barnewall
and
Talbot.Non-
residence
of
members.Case for
the Irish
Govern-
ment.

constituted would reduce Ireland to slavery, and that the new boroughs were erected only to pass money votes. His abilities were known, and no doubt he was considered formidable since his victory in the matter of the mandates. Barnewall may have had influence with the delegates in London, but William Talbot was the chief legal adviser of the Opposition, and their petition to the King was drawn up under his guidance. Observers in London thought him the real head of the deputation. Talbot afterwards had a son Richard, who was destined as Earl and Duke of Tyrconnel to overthrow for a moment the fabric raised by Elizabeth, James and Cromwell, and grudgingly maintained by Charles II. Gormans-ton and his five companions petitioned as agents for twenty-one counties and twenty-eight ancient cities and boroughs, and a schedule was appended containing particulars of electoral irregularities. They laid special stress upon an English Act of Henry V. binding in Ireland by the operation of Poynings's Law, which required that members of Parliament should be resident in the counties for which they sat, and that knights of shires should be natives of them. The statute as to residence has been long obsolete in England, where attempts to revive it had deservedly failed, and it had been disregarded in Ireland in Perrott's time; but in point of strict law the petitioners were right, for the requirement of residence, which had been abolished or suspended in Ireland in the time of Edward IV., was clearly reaffirmed by St. Leger's Parliament under Henry VIII. Boldly assuming that they were the majority, the petitioners asserted that their speaker lawfully elected was ejected by violence, and that they themselves were terrorised.¹

Thomond and his associates were instructed by Chichester to point out that many of the Irish candidates for parliamentary honours had been in actual rebellion, that some could speak no English, and that 'all were elected by a

¹ The petition is in *Desiderata Curiosa Hibernica*, i. 212, the names and constituencies in Cal. of State Papers, *Ireland*, 1613, No. 692. *Irish Statutes*, 18 Edw. IV. cap. 2, 33 Henry VIII. sess. 2, cap. 1. Hallam's *Constitutional History*, chap. xiii.

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general combination and practice of Jesuits and priests, who charged all the people, upon pain of excommunication, not to elect any of the King's religion.' They were to tell the Council in the petitioners' presence that at a conference with Tyrone and his Irish allies when they thought they were going to conquer Ireland, 'he and the rest of the Irish did solemnly declare and publish, that no person of what quality or degree soever being descended of English race, birth or blood, though they came in with the conquest, and were since degenerated and become Irish by alteration of name and customs, should inherit or possess a foot of land within the kingdom,' and that Celtic owners could be found for all. When asked what was to happen to their Anglo-Irish allies, they answered that they might stay as vassals or labourers, 'and if they liked not thereof they might depart the kingdom.' Among those elected, or by the petitioners supposed to be elected, were a son-in-law of Tyrone's and many other rebels, and among the candidates were another son-in-law and a half-brother of the arch-traitor, with many more of the same wicked crew, 'for they would have Barabbas and exclude Jesus.' Chichester saw clearly that the position and interests of those who were English in everything but religion differed fundamentally from those of the native Irish, and in the wars of the next generation the distinction became apparent to all.¹

Distinction
between
native and
Anglo-
Irish
Catholics.

The original deputation from the Irish Opposition consisted of six persons, but James had declared his willingness to see twelve, and the additional number who came was considerably greater, six peers and fourteen commoners, including Everard, Barnewall and Thomas Luttrell. The latter sat for the county of Dublin and had been prominent, or in official language turbulent and seditious, during the late short session. James heard the deputation in Council several times during the month of July, 'while they did use daily to frequent their secret conventicles and private meetings, to consult and devise how to frame plaintive articles

The King
gives
frequent
audiences.

¹ Instructions to Thomond, Denham and St. John, June 6, 1613 in *Desiderata Curiosa Hibernica*, i. 208 (misprinted 280).

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Talbot in
the Tower.

Luttrell in
the Fleet.

Suarez
repudiated.

The rival
Churches.

against the Lord Deputy.' Under these circumstances it is not surprising that the King found it hard to come to a decision, and when he went on progress to the west towards the end of the month he reserved judgment. Before this, however, Talbot was sent to the Tower for not condemning with sufficient clearness the opinions of the Jesuit Suarez, as to the deposition and murder of kings. That murder was not lawful he had no doubt, but thought that deposition might be, and he said this in the King's presence. Luttrell lay for nearly three months in the Fleet for the same reason, when he made submission in writing. Sir Patrick Barnewall, whose loyalty was undisputed, and who had had enough of the Tower, found no difficulty in repudiating the doctrines of Suarez and Parsons as 'most profane, impious, wicked, and detestable . . . that His Majesty or any other sovereign prince, if he were excommunicated by the Pope, might be massacred or done away with by his subjects or any other.' As for his own king he firmly held that all his Highness's subjects should spend their lives and properties to defend him and his kingdoms, 'notwithstanding any excommunication or any other act which is or may be pronounced or done by the Pope against him.' Talbot's submission was less complete, and he remained in the Tower for over a year.¹

The first thing that struck the Commissioners was the general neglect of true religion, the ministers and preachers being insufficient both in number and quality, and the churches for the most part ruinous. There were, however 'a multitude of Popish schoolmasters, priests, friars, Jesuits, seminaries of the adverse Church authorised by the Pope and his subordinates for every diocese, ecclesiastical dignity, and living of note,' who were resident, and who lost no opportunity of execrating the reformed faith, being supported and countenanced by the native nobility. Of the magistrates, sheriffs, and other officials many were Roman Catholics, and the priesthood was constantly recruited from seminaries in Spain and Belgium. The Commissioners could only

¹ *Desiderata Curiosa Hibernica*, i. 231, 233; Barnewall's letters, *ib.* 164; for Talbot, *ib.* 231, 234, 236, 321, and *Irish Cal.* 1614, Nos. 852 and 969.

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VII.Sug-
gestions by
the Com-
missioners.Military
irregu-
larities.Abuses by
sheriffs.

recommend the ruthless enforcement of ecclesiastical conformity. All should be driven to church or punished, Popish schools suppressed, and priests weeded out, able and religious schoolmasters being provided, while 'idle and scandalous ministers' gave place to well paid and conscientious successors. All this was neither very original nor very practical, and the report is more to the purpose where remediable evils are dealt with. Extortions by soldiers were loudly complained of, and not altogether denied by Chichester, though he declared that he had taken the greatest care to prevent them, and though he was ready to pay three times the value if it could be proved that he had taken 'of the value of a hen' wrongfully during his eight years' government. The Commissioners found that billeted soldiers did exact money from the people at the rate of about three shillings a night for a footman besides meat and drink, and that they sometimes took cattle or goods in default of payment, 'whereby breach of peace and affrays are occasioned.' The viceregal warrant always required them to march straight from point to point, but they sometimes went round on purpose to gain more time at free quarters. There were many other similar disorders and oppressions, yet it did not appear that applications were often made to the Lord Deputy, 'who upon their complaints hath given order for redress of such grievances as hath been manifested unto us.' On the other hand aggrieved parties pleaded that they were afraid to provoke the enmity of the soldiers by complaining, and that remedies cost more than they were worth, though they admitted that Chichester was 'swift of despatch and easy of access.' The Lord Deputy said no sheriffs were made who had not property in their shires, 'and if such who are of better estates are omitted it is for their recusancy,' but the Commissioners found that many had none, either there or elsewhere, that they gathered crown rents and taxes in an irregular manner, and that they were guilty of other minor extortions, 'the reason whereof being affirmed to be that in the civillest counties in the English Pale and in other counties there are found very few Protestants that are freeholders

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VII.

of quality fit to be sheriffs, and that will take the oath of supremacy as by the laws they ought to do, and by the Lord Deputy's order no sheriff is admitted till he enter into sufficient bond for answering his accounts.' ¹

Ploughing
by the
tail.

One grievance there was which deserves special mention, because its history shows how even the most obvious and reasonable reform may be resented when it involves a change in the habits of country people. It had long been the custom, especially in Ulster, to till rough ground by attaching a very short plough, which might be lifted over an obstacle, to the tails of ponies walking abreast. This was prohibited by Order in Council in 1606, the penalty being the forfeiture of one animal for the first year, two for the second, and for the third the whole team. No attempt was made to enforce this until 1611, when Captain Paul Gore, to whose company arrears were due since O'Dogherty's rebellion, obtained leave to pay himself by realising the penalty for a year in one or two counties. Chichester consented, but limited the fine to ten shillings for each plough. The fine, smaller or greater, was often paid, but did not have the desired effect. Gore no doubt made a good bargain, for in the following year Chichester ordered the ten shillings to be levied all over Ulster, spending most of the money so raised upon roads, bridges, and the repairs of churches. James, with his usual improvidence, granted this to Sir William Uvedale for £100 Irish, and it was admitted that he made £800, while much more was really collected from the people. Collections unauthorised by Chichester had also been made in Connaught and even in the Pale. It was not the short ploughs that had been prohibited but the ploughing by the tail, and it had been particularly provided that no penalty attached if traces of any kind were used. Perhaps the collectors stretched a point, and the petitioners were at all events justified in pointing out that there was no law to support the prohibition, and that the peasants concerned had neither skill nor means to use better ploughs. The English settlers who saw these ploughs at work thought

Prevalence
of the
practice.

¹ Complaints of Recusants with Chichester's answer, 1613, No. 709.

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VII.

Its cruelty

and long
continu-
ance.Alleged
legal
extortion.

them both 'uncivil' and unprofitable; and the cruelty was obvious, Chichester stating that many hundred of beasts were killed or spoiled yearly. The horses stopped when they felt the jar of a stump or boulder, and no doubt the resulting tillage was of the poorest kind. In modern times spade labour was used in rough places, and was much more efficient. It was the intention of Chichester to pass an Act of Parliament against ploughing by the tail, but this was not actually done until Strafford's time. The statute sets forth that 'besides the cruelty used to the beasts the breed of horses is much impaired in this kingdom to the great prejudice thereof.' The repeal of this measure was actually made a condition of peace between Charles I. and the Irish Confederates in 1646. The practice gradually ceased to be general after it had been forbidden by law, but even near the end of Charles II.'s reign it still prevailed in the rocky barony of Burren in Clare, where it was found necessary to tolerate it. Arthur Young found the barbarous custom still strong in Cavan, and in Connaught it was not quite extinct even in Queen Victoria's reign. Its cheapness really recommended the practice, which was even defended on the ground of humanity, because it shortened the draught.¹

It had been complained—and in what age or country has there been no such complaint?—that clerks in the law courts exacted excessive fees, the fear of which prevented men from taking legal remedy. Chichester was able to answer that all scales of charges had been twice carefully overhauled, that they were now much less than in Queen Elizabeth's time, and that those who had reason to complain well knew that he would give them redress if required. The Commissioners found it very hard to get the exact truth because both judges and officers were so frequently changed,

¹ *Desiderata Curiosa Hibernica*, i. 369; *Irish Statutes*, 10 and 11 Car. I. cap. 15; Dineley's *Voyage in 1681*, p. 162; *Confederation and War*, v. 299. Cornwallis to Northampton, October 22, 1613, as to 'what great sums of money have been drawn out of the supposed commiseration of the hinder parts of these poor Irish garrans.' *Ulster Journal of Archaeology*, vi. 212. Uvedale ultimately surrendered his grant for 1,250*l*, *Cal.*, March 15, 1625. Cæsar Otway's *Erris and Trawly* (1841), p. 358.

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VII.Excessive
fees.Chichester
is ab-
solved.

but they found abuse 'in some particular cases.' Chichester had greatly increased the revenue, and, as he believed, without adding to the burden of the people; but some new offices had been created in the Exchequer, and it was not clear that this was always to the advantage of either King or subject. Many clerks of courts sought 'to make their fees equal both in number and value with the fees paid to like officers in England, which seemeth heavy to the subjects of this kingdom, being generally of much less ability.' The Commissioners made arrangement for the preparation of accurate lists of fees, and they unanimously exonerated Chichester from any malpractice. 'We found the Deputy upright,' wrote one Commissioner in his diary. Another in a letter, after hearing voluminous evidence, thought too much time was taken up with trivialities. 'Whole heaps' of cases of oppression by soldiers had nevertheless, he said, been established, and he seems to have thought the military element in the Government much too strong. It had been said by a man of good understanding, Cornwallis reported, that 'these Irish are a scurvy nation, and are as scurvily used,' and he supposed that when he had heard the Commissioners on their return his noble correspondent would be of the same opinion.¹

Royal pro-
clamation,
Feb. 7,
1613-1614.

Having received the report of the Commissioners, the King sent Sir Richard Boyle to Ireland with 1,000 copies of a proclamation for distribution all over the country. In it James announced that he had vouchsafed in person to debate with the malcontents on several occasions, that they had not met him in a proper spirit, and that there was evidently a conspiracy among them to bring Chichester into disfavour, whose conduct he had nevertheless found 'full of respect to our honour, zeal to justice, and sufficiency in the execution of the great charge committed unto him.' Inferior officers remained liable to punishment for proved

¹ Report of Commissioners in *Desiderata Curiosa Hibernica*, i. 359. Roger Wilbraham's *Diary* (Camden Society's Miscellany, vol. x.). Cornwallis to Northampton, October 22, 1613; Sir Robert Jacob to same, November 30. Both letters show that Cornwallis was closely in Northampton's confidence.

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VII.Chichester
is sent for.The King
verbally
promises
tolerationto all who
disavow
Suarez.

demerits. Boyle, who was sworn of the Privy Council as soon as he reached Dublin, also carried a letter from the King to Chichester expressing fuller confidence in him, and directing him to come over and make arrangements for another session, while so many Irish peers and members of Parliament were in London. He was not, however, to leave Ireland if he thought that reasons of state required his continued presence there. He started just a month after Boyle's arrival, leaving the Government in the hands of Archbishop Jones and Sir R. Wingfield as Lords Justices, narrowly escaped drowning near Conway, and reached London in due course. Among those who accompanied him were Sir John Davies and Sir Josiah Bodley.¹

While the Commissioners were still sitting in Dublin, Lords Gormanston and Roche, Sir James Gough, and Mr. Patrick Hussy, member for Meath and titular baron of Galtrim, took leave of the King at Royston. James made a speech, which according to Gough's report contained the words: 'As for your religion, howbeit that the religion I profess be the religion I will make the established religion among you, and that the exercise of the religion which you use (which is no religion, indeed, but a superstition) might be left off; yet will I not ensue or extort any man's conscience, and do grant that all my subjects there (which likewise upon your return thither I require you to make known) do acknowledge and believe that it is not lawful to offer violence unto my person, or to deprive me of my crown, or to take from me my kingdoms, or that you harbour or receive any priest or seminary that would allow such a doctrine. I do likewise require that none of your youth be bred at Douai. Kings have long ears, and be assured that I will be inquisitive of your behaviour therein.' There were plenty of witnesses, and James was not able to deny the substantial correctness of Gough's version, who took care

¹ *Desiderata Curiosa Hibernica*, i. 291-301. Chichester left Chester March 21, but a letter calendared at March 27, shows that the Council were not then aware that he had left Ireland (he did not get it till the following December).

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VII.

Sir James
Gough
publishes
the royal
message.

but is not
believed.

The King
cannot
explain
away his
words,

but Gough
has to
submit.

to repeat it to Sir Francis Kingsmill, a fellow-passenger across the channel. On landing Gough betook himself to Munster, where he published the King's words at Youghal, Clonmel and Dungarvan. Having given the report a fortnight's start in the part of Ireland where he was best known, Sir James repaired to Dublin Castle and delivered the royal message to numerous audiences in the Lord Deputy's presence 'in the action and tone of an orator.' He was called into a more private place, where he maintained his faithful rendering of 'the most great and true King's words,' which he was ready at his command to proclaim 'at Hercules' Posts.' He threw himself upon the royal protection, professing that the Jesuit doctrine was a new thing to him, and repudiating it for himself and his colleagues. They would, he said, refuse the ministration of priests who held it, and also discover them to the authorities. Chichester, who must have cursed the garrulous monarch, declared his disbelief, and Gough was kept under restraint in the Castle.¹

James admitted that he had used the language imputed to him, but without intending thereby to claim a dispensing power or to promise full toleration, and he sent over a proclamation to that effect for circulation. Against Sir James Gough he made four points, that his turbulent conduct to the Deputy must be taken as directed against the King, that he had no warrant at all to make any report to his Lordship, that he wilfully misrepresented the royal meaning, and that he had cunningly reported only so much as suited him, which was a very small part of what had been said. Gough was to be detained until he made submission, and when he had made it the Deputy might release him as an act of his own favour. In less than a month after the date of the King's letter Gough made an ample apology. He now understood that his Majesty intended the laws against recusancy to be enforced, 'but that his subjects should be

¹ Lord Deputy and Council to the Privy Council, November 24, 1613; Sir James Gough's Discourse written and subscribed before the Lord Deputy, Chancellor and others, No. 973; Report to the King of Spain, *ib.* No. 969. 'Hercules' Posts' was a tavern in Fleet Street.

compelled by violence or other unlawful means to resort to the Protestant churches I think it not his pleasure.' Their consciences were to be left free. As this pretty nearly represented Chichester's own ideas, the submission was accepted and Sir James Gough released.¹

Talbot was brought before the Star-chamber in London on the same day that Gough made his submission in Dublin. At a previous hearing before the Council the English oath of allegiance was tendered to him, and extracts from Suarez and Parsons were read, of which he was given a copy to meditate upon during his imprisonment. Though the oath of allegiance had no statutory force in Ireland the law officers, Hobart and Bacon, had given a cautious opinion that it might be administered to Irishmen in England, 'but whether it be convenient to minister it unto them, not being persons commorant or settled there, but only employed for the present business, we must leave it unto his Majesty's and your Lordships' better judgments.' This is a plain hint that they did not think it convenient, but they were overruled, and Bacon, who had since become Attorney-General, had to conduct Talbot's prosecution. The prisoner not unnaturally vacillated a good deal, but at last, having studied Abbot's excerpts from the two Jesuits, he declared that they involved matters of faith and must be submitted to the judgment of the catholic Roman church, but, he added, 'for matter concerning my loyalty, I do acknowledge my sovereign liege lord King James to be lawful and undoubted King of all the kingdoms of England, Scotland, and Ireland, and I will bear true faith and allegiance to his Highness during my life.' The practical politician who was in Bacon along with the lawyer, the theologian, and the philosopher would no doubt have been satisfied with this; but officially he was bound to accuse Talbot of maintaining a power in the Pope to depose and murder kings. He had not merely refused the oath of allegiance, but had affirmed the power of the Church over civil matters. 'It would astonish a man,' said

Talbot
before the
Star-
chamber.

The law
officers
discourage
severity

Bacon
neverthe-
less
magnifies
Talbot's
offence,

¹ The King to Chichester, January 4, 1614. The submission, dated January 31, 1614, is in *Desiderata Curiosa Hibernica*, i. 287.

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VII.

but he is
ultimately
released.

Bacon, 'to see the gulf of this implied belief. Is nothing exempted from it? If a man should ask Mr. Talbot whether he do condemn murder, or adultery, or rape, or the doctrine of Mahomet, or of Arius instead of Zuarius; must the answer be with this exception, that if the question concern matter of faith (as no question it does, for the moral law is matter of faith) that therein he will submit himself to what the Church will determine.' Talbot was fined £10,000, but there does not seem to have been any intention to make him pay, and he was allowed to return to Ireland after spending several more months in the Tower. This was euphemistically described by the Privy Council as 'attendance on his Majesty's pleasure,' but they took care that his property should not suffer in his absence. Clemency was shown, but a theoretical gulf had been dug which made it more difficult than ever to reconcile the discordant elements of Irish life.¹

The King
on the
constitu-
tion of
Parlia-
ments,

On April 12 in the council chamber at Whitehall, and in the presence of Chichester and of the recusant Irish peers and members of Parliament, James delivered the memorable speech which foreshadowed the course of Irish policy until the advent of Strafford. It manifests much cleverness, combined with a characteristic want of dignity. The parliamentary questions were of course decided against the petitioners, who were lectured for their disrespectful bearing at the outset, and for seceding when things went against them. 'The Lower House,' he said, 'here in England doth stand upon its privileges as much as any council in Christendom; yet if such a difference had risen here, they would have gone on with my service notwithstanding. What,' he exclaimed, 'if I had created 40 noblemen and 400 boroughs? The more the merrier, the fewer the better cheer,' adding with a good deal of truth that 'comparing Irish boroughs new with Irish boroughs old,' there was not so very much to choose between them, and that for the most

¹ Opinion of law officers in *Spedding*, iv. 388; Bacon's Speech, January 31, 1614, *ib.* v. 5; Privy Council to Chichester, calendared No. 798 under January 27, 1614, but perhaps of earlier date; same to same, July 25, 1614. *Desiderata Curiosa Hibernica*, i. 321, 393.

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part they were likely to increase. The legal point as to members being non-resident he was entitled to pass over lightly, for the law was obsolete in England. 'If you had said they had no interest,' he remarked, 'it had been somewhat, but most have interest in the kingdom, and are likely to be as careful as you for the weal thereof.' As to civil grievances those complained of were such as were found in all countries, and might be redressed on application to the Lord Deputy, whom the recusants admitted to be the best governor that Ireland had ever had. After full inquiry by an impartial commission the King had 'found nothing done by him but what is fit for an honourable gentleman to do in his place.' As to the question of religion, he said the recusants were but half-subjects, and entitled only to half privileges. 'The Pope is your father *in spiritualibus*, and I *in temporalibus* only, and so you have your bodies turned one way and your souls drawn another way; you that send your children to the seminaries of treason. Strive henceforth to become good subjects, that you may have *cor unum et viam unam*, and then I shall respect you all alike. But your Irish priests teach you such grounds of doctrine as you cannot follow them with a safe conscience, but you must cast off your loyalty to the King.' And he referred to an intercepted letter from one such priest, which was much more to the purpose than extracts from Suarez and others like him.¹

on Irish
grievances,and on
toleration.

Chichester left London on July 11, one week after the Irish Parliament had been prorogued by the Lords Justices for the sixth time. A letter from the King written at Belvoir Castle soon followed him, which contained the final award as to Irish parliamentary matters. The Protestant or Government party were pronounced generally to have been in the right; but the Opposition were not to be any further questioned, since there had been a certain amount of foundation for their complaints. It had been proved that eight boroughs were erected after the issue of the writs, and

Final
award as to
parlia-
mentary
difficulties,
1614.

¹ James's speech is in *Desiderata Curiosa Hibernica*, i. 302, dated April 12, 1613, which is an obvious misprint. It is printed in *Carew* at April 20, 1614, the 'Thursday before Easter.'

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VII.

The
Houses
get to
business
at last.

The
Roman
Catholics
at first
stay to
prayers,

but soon
desist.

Legislation
proceeds
smoothly,

this disqualified their representatives during the existing Parliament. Three other boroughs were pronounced by the Commissioners to have no power by charter or prescription to send burgesses, and this decision was confirmed. The rest of the elections were declared to be duly made. Sir John Davies carried the royal letter to Dublin along with the Bills finally agreed upon, which did not include that against Jesuits, seminary priests, and other disobedient persons. The prorogation expired on October 11, on which day the Houses met, Chichester having undergone a surgical operation in the interval. He was sufficiently recovered to open Parliament in person, to make a short speech, and to see the effect of the King's letter, which was read by the Lord Chancellor in his presence. Davies made another speech to the Commons, with the usual classical allusions and the usual appeals to history. James was the Esculapius who had healed their differences, and now there was good hope that their wills should be united. Differences of opinion there needs must be, and sound conclusions could not be reached without them, for had not Ovid said that nature could effect nothing without a struggle? At first all went smoothly, and the Roman Catholics sat patiently through prayers, which were offered up by the Speaker himself. The lawyers held that prayers said by a layman could do them no harm, but the priests thought otherwise, and attendance was discontinued after a week. In the Lords, where a bishop officiated, it was from the first considered out of the question. When the House of Commons came to business both Talbot and Everard exerted themselves to prevent any disturbance. Three Bills were passed without much difficulty, for acknowledgment of the King's title, for the suppression of piracy, and for taking away benefit of clergy in cases of rape, burglary, and horse-stealing. The English Act of 28 Henry VIII. was never extended to Ireland, and the prevalence of piracy was attributed mainly to that. Special commissions of admiralty were now devised, pirates being denied both benefit of clergy and right of sanctuary. If a jury were sworn there could be no challenge. The Bill for the attainder of

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and
Tyrone's
attainder
is passed
unani-
mously.

the northern chiefs was passed without a single dissentient voice, and became law. Sir John Everard, who seems to have had little sympathy with the Ulster Celts, spoke in favour of it and made little of objections. 'No man,' he said, 'ought to arise against the Prince for religion or justice,' adding that the many favours bestowed on Tyrone by the late Queen and present King greatly aggravated his offence. 'And now,' wrote Davies, 'all the states of the kingdom have attainted Tyrone, the most notorious and dangerous traitor that was in Ireland, whereof foreign nations will take notice, because it has been given out that Tyrone had left many friends behind him, and that only the Protestants wished his utter ruin. Besides, this attainder settles the plantation of Ulster.'¹

Finance.

Our Tudor and Stuart sovereigns looked upon Parliament mainly as an instrument for putting money in their purse. Ireland was a dependency, and was generally a source of expense rather than of income until after the Restoration, when inconvenient criticism was avoided by charging pensions upon the Irish establishment. 'The King was never the richer for Ireland,' though private adventurers sometimes made fortunes there. Chichester had greatly improved the revenue, and as there was peace in his time, except for the brief rebellion of O'Dogherty, there were good hopes of making Ireland a paying concern. After his return from England he issued letters asking for a free gift from the county of Dublin; intending to do the same elsewhere if this first appeal was successful, and hoping thus to raise 20,000*l*. A nest egg was provided by the Archbishop and Lord Howth, who put their names down for 100*l*. apiece, but the Roman Catholic majority hung back, and as soon as it was known that a parliamentary subsidy would be asked for the chance of any other contribution grew less and less. The Bill, which was the first of the kind in Ireland, was duly forwarded to the English Council, but there were many delays

A free gift
is asked
for,

but with
little
success.

¹ The King to Chichester, August 7, 1614; St. John to Winwood, October 23 and November 4; Davies to Somerset, October 31, enclosing his speech of October 11, and to Winwood.

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VII.

The Pro-
testants
have no
working
majority.

before it was remitted, and it did not reach Ireland until two days after Parliament had been again prorogued. The constituencies generally appear to have made their representatives regular allowances, and this was found very burdensome. Chichester had found it impossible to keep the Houses sitting with no business before them. Moreover for want of occupation the members began to make inconvenient inquiries into the general course of government, and they rejected Bills for the confirmation of titles to lands acquired by forfeiture in Elizabeth's time. The Papists, wrote Winwood's secretary, had been in a majority during the whole session 'through their careful attendance and the negligent attendance of the Protestants, and this had given them such confidence of their own strength that they have dared to mutter, not many days before the Parliament was prorogued, that the new charters might yet be made void, that the Act of 2 Elizabeth might be suspended, and that the recusant lawyers who were put from pleading might be again admitted to the bar.'¹

Last
session
of the
Parlia-
ment, 1615.

Parliament was again prorogued at the end of January 1615, and James, seeing little chance of a supply, was on the point of directing a dissolution. But he changed his mind, and decided to be guided by the proceedings on the money Bill. The Houses met accordingly on April 18, and the subsidy was granted without any difficulty. Vice-Treasurer Ridgeway thought this a half-miracle, the House of Commons 'being compounded of three several nations, besides a fourth, consisting of old English Irelandised (who are not numbered among the mere Irish or new English) and of two several blessed religions (whatsoever more), besides the ignorance of almost all (they being at first more afraid than hurt) concerning the name, nature, and sum of a subsidy.' Contrary to the settled practice of later times the Bill was introduced first in the House of Lords. Winwood's secretary, who sat for Lifford, was allowed precedence in the debate, and was

¹ Chichester to the King, October 16, 1614; St. John to Winwood, September 3 and 24 and October 23, 1614; Davies to Somerset, and also to Winwood, October 31; to Winwood, November 28; and to Somerset, December 2. Francis Blundell to Winwood, December 17; Chichester to same, December 18. Parliament was prorogued on November 29.

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VII.A subsidy
cheerfully
granted,but col-
lected with
difficulty.Optimism
of Sir
John
Davies.

much struck by the readiness of all parties. Many of the Irish assured Blundell that they would willingly have given two subsidies if it had not been for the great loss of cattle during the late severe winter. Nobody knew what the sum raised was likely to amount to, but Ridgeway thought it might reach 30,000*l.* in money and cows. Chichester said it could not be got in coin unless specie were sent from England to pay the officials, who were all in debt; their creditors might then be enabled to meet the tax. Former benevolences and cesses in Ireland had been raised on land only, and there were many exemptions for waste and in favour of influential people. Goods were now included, and taxed at 2*s.* 8*d.* in the pound for natives and 5*s.* 4*d.* for aliens and denizens. The imposition on realty was 4*s.* and 8*s.* English precedent was departed from in so far that the clergy were taxed as well as the laity, but this was changed in Strafford's time. Half the money was to be paid in September 1615, and half in the following March. The preamble of the first Irish subsidy Bill bears evident marks of Davies's hand, setting forth that Ireland had been hitherto only a source of expense to the Crown owing to continual disturbances. 'But forasmuch,' it proceeds, 'as since the beginning of his Majesty's most happy reign all the causes of war, dissension, and discontentment are taken away,' principally by extirpating traitors and placing English and Scotch colonies in Ulster, the King was now 'in full and peaceable possession of his vineyard,' and entitled to expect some income from it. The King's letter of thanks is an echo of this, but it was Carew and not Davies that proved a true prophet when a worse war than Tyrone's broke out in that very Ulster which was supposed to be 'cleared from the thorns and briars of rebellion.'¹

It was originally hoped or intended that there should be

¹ Proposition for the increase of the Irish Revenue, September 1611, in *Carew*, No. 70, signed by Chichester, Carew, Vice-Treasurer Ridgeway, Chief Baron Denham, and Davies; *Irish Statutes*, 11, 12, and 13 James I, chap. 10; The King to Chichester, March 25, 1615; Chichester to the King and F. Blundell to Winwood, April 28; Ridgeway to Winwood, August 7; Chichester to Winwood, October 31; Council of War for Ireland (Grandison, Carew, and Chichester) to Conway, February 8, 1625.

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VII.Proposed
legislation,
most of
which is
abandoned,Against
Recusants,for a fixed
revenue,against
Tanistry,and for
many other
purposes.

very important legislation in this Irish Parliament. Bills were prepared for repairing churches and preventing waste of Church property and against pluralities and non-residence. On the other hand stringent enactments were contemplated against Jesuits and seminary priests, and in particular to make the English law enforceable against Recusants who fled into Ireland to have more free exercise of their religion there. No part of this programme was carried out, and it was probably from a feeling of relief that the Irish majority were so amenable in connection with the subsidy. The oath of allegiance had not been imposed by law in Ireland, and it was proposed to legalise its administration by commissioners, but this was not done. Several Bills devised to give the King a fixed revenue were also abandoned. Of twenty projected Acts 'concerning the common weal, or general good of the subject,' only two became law, those against piracy and against benefit of clergy in cases of felony. Of the other abortive bills that of largest scope was for abolishing the Brehon Law and the custom of gavelkind and for naturalising all the native Irish. Tanistry and gavelkind had already been declared illegal by judicial decisions, and probably it was not thought prudent to raise the question. But an Act was passed repealing certain statutes in which Irishmen had been treated as enemies or aliens, and declaring that all natives and inhabitants of Ireland did in fact live under one law. Bills for confirming royal grants to undertakers in Ulster and Munster came to nothing, and probably it was thought wiser to keep the power of forfeiture in reserve. A poor law was contemplated, but the machinery for working the 43rd of Elizabeth did not exist in Ireland, and nothing effectual was done until 1838. A Bill for the preservation of woods was abandoned, and so was another, for the protection of hawks, pheasants, and partridges, which may sound odd to modern sportsmen.¹

¹ Abstract of Acts brought over by Sir H. Winch and Sir J. Davies 1812, No. 439. *Irish Statutes*, 11, 12, and 13 James I. *Le Case de Gavelkind*, 3 Jac. I., and *Le Case de Tanistry*, 5 Jac. I. in Davies's Reports, 1628. *Irish Statutes* 1612, chap. 5.

To this Parliament Ireland owes the first establishment of a regular highway system, the remote results of which delighted Arthur Young when the roads of England were still very bad. The charge was placed on the parishes, and compulsory powers were given to take small stones out of quarries, and underwood when required, paying such compensation as the supervisor thought reasonable. An Act of Mary against bringing in Scots and marrying with them was repealed in consequence of the union of England, Scotland, and Ireland 'under one imperial crown.' The only other act of great importance passed was one for a general pardon of all offences not specially excepted. But the list of exceptions was a long one, including treason and misprision of treason, piracy and murder, since the beginning of the reign. Burglary, arson, horse-stealing, and rape were pardoned unless committed within one year before the beginning of the session. Witchcraft, however, and most offences against the revenue, were excepted if committed since the King's accession. Outlaws were excepted until such satisfaction was given as would lead to a reversal of the outlawry, and a special Act was passed to restrict the power of private suitors to place their adversaries in such a position. 'No kingdom or people,' said Davies, 'have more need of this Act for a general pardon than Ireland,' but it was considered very insufficient. Nothing was done to abate extortion in the Exchequer and other courts, and there were no words of 'pardon of intrusions and alienations, which is the burden that lies heavy upon all the gentlemen of the kingdom.'¹

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VII.

A highway system introduced.

Legislation against Scots repealed.

A general pardon.

The subsidy having been granted, Parliament was prorogued after sitting four weeks, and it was intended to have another session in October. Long before the recess was over James made up his mind that there should be a dissolution, and that he would not receive another deputation from the Irish Commons. The reasons given were that the existence of Parliament interfered with the ordinary course of justice,

Parliament is dissolved October, 1615,

¹ *Irish Statutes*, 1612, chaps. 6-9. Titles of proposed Acts, 1612, No. 530 in Calendar of State Papers, *Ireland*. St. John to Winwood, November 28, and December 9, 1614.

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VII

and the
King falls
back on
prero-
gative.

Obsolete
statutes.

and that the luxury was too expensive both for the members and for the constituents, who paid them more or less sufficiently. That this was not the true reason may be inferred from the fact that a dissolution was very unpopular. Probably the King thought Irish Parliaments dangerous and unmanageable as he learned to regard English ones, and he had no great appetite for legislation when the prerogative was strong enough to carry out the most pressing reforms. Orders were given to reduce the scale of legal fees and to have them hung up in all the courts. If the clergy exacted excessive charges for burials they were to modify them. Restraints on trade were to be removed by proclamation, but the exportation of wool was forbidden except into England. Finally the Statute of Kilkenny and all other Acts prohibiting commerce between English and Irish were to be treated as obsolete until the next Parliament, when they might be utterly repealed. As a matter of fact no Parliament met until Strafford's time, and the system of bureaucratic government without effective criticism was not destined to be successful.¹

¹ Parliament was dissolved October 24, 1615. The King to Chichester, August 22, and October 17; Lords of Council to Chichester, June 26; Chichester to Winwood, October 31.

CHAPTER VIII

LAST YEARS OF CHICHESTER'S GOVERNMENT, 1612-1615

INTERFERENCE with property was not limited to the ancient Irish, but was extended by James to the greatest and most loyal of the Anglo-Norman families. The tenth Earl of Ormonde, known as Black Thomas, who played so great a part in Elizabeth's time, had been blind ever since the King's accession. During these years his chief care was to keep the estates and the title together, and he took every possible precaution both by will and deed. Having no son living, he married his only daughter Elizabeth to her cousin Theobald, Lord Tullophelim, who was the nearest male heir, and who was in great favour both with the King and Chichester, but not with the old Earl, who accused him of ill-using his wife and of keeping bad company. Tullophelim died childless early in 1613, and a son of Lord Thomond's immediately sought the widow's hand; but the King insisted on her marrying Richard Preston, a Scotch gentleman of the bed-chamber, who, had been about him from his childhood, accompanied him to England, and was knighted at the coronation. The marriage took place, and the favourite, who in 1607 had been created Lord Dingwall in Scotland, became Earl of Desmond in Ireland in 1619. It was actually the intention of James to endow the new coronet with everything that had belonged to the old Desmonds; but little came of this, for the forfeited lands were already occupied by others. Dingwall was with his father-in-law when he died in 1614, and was immediately involved in litigation which lasted longer than his life. In announcing Ormonde's death, Chichester pointed out that there was now an opportunity of abolishing the palatinate of Tipperary 'so long enjoyed by that house to the offence of most of the inhabitants

The
Ormonde
heritage.

A new
Earl of
Desmond.

The
palatinate
of Tip-
perary.

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VIII.

of that county and of the neighbouring counties adjoining.' No doubt it was very desirable to get rid of such an anomaly, provided it were done openly on public grounds, and with some reasonable compensation for the financial loss. But that was not James's way of doing things. The political advisability of dividing the great Ormonde heritage went for something with him, but the really important matter was to secure a large part of it for a Scotch courtier.¹

Litigation
about the
Ormonde
estates.

The heir to the late Earl's title was his nephew, known for his devotion as 'Walter of the beads and rosaries,' and to make everything safe this had been secured to him by fresh letters patent. He married a daughter of Lord Mountgarret, and her brothers, after Earl Thomas's death, plotted to carry off his widow and to secure her jointure by marriage to one of themselves; but this plan was frustrated, and she married Sir Thomas Somerset. The estates were all carefully entailed upon the new Earl; but Lady Desmond was heir general, and lawyers in those days could generally find flaws in titles if those in authority wished it. In this case James did wish to give much of the property to his favourite; but it was always possible that the courts of law might act independently, and Earl Walter was induced to give a bond for 100,000*l.* to abide by the King's personal decision in the matter. Perhaps he was forced to this by his difficulties for want of money, or by an exaggerated belief in James's wisdom, or he may have been simply a bad man of business. When James made his award, the Earl found that he would not have enough to support his dignity, and declined to submit. The result was that he spent eight years under restraint, chiefly in the Fleet prison, where he endured extreme poverty and misery. The King seized the revenues of that portion which he had adjudged to the prisoner, as well as the palatinate of Tipperary, which belonged to him as heir male.

James I.
as an
arbitrator.

Harsh
treatment
of the
Earl of
Ormonde.

¹ St. John to Winwood, October 23, 1614; Chichester to the King, November 25. Ormonde died on November 22 at Carrick-on-Suir. Lady Desmond died October 10, 1628; and her husband eighteen days later; he was drowned between Dublin and Holyhead. Their daughter Elizabeth, afterwards Duchess of Ormonde and Lady Dingwall in her own right, was born in 1615.

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Taking advantage of his adversary's distress, Desmond even set up a claimant to the Earldom of Ormonde, but the imposture was too absurd to have any chance of success. After his death his daughter and heiress married Earl Walter's grandson, the future Duke of Ormonde, but this did not take place until the next reign.¹

Randal MacDonnell, Sorley Boy's eldest surviving son, had accompanied Tyrone to Kinsale; but deserted the falling cause in good time, brought a useful contingent to Mountjoy, and was knighted by him. While Elizabeth lived, the close connection between the MacDonnells in the isles and in Ulster had always been a source of danger, and one of James's first cares was to secure the allegiance of the Irish branch. The northern part of Antrim, including the coast from Larne to Portrush, was granted to Randal by patent. From this grant, estimated to contain 333,907 acres, the castle of Dunluce was at first excepted, but this was afterwards thrown in with the rest, as were the fishery of the Bann and the island of Rathlin. MacDonnell married Tyrone's daughter, which no doubt strengthened his position; but he realised clearly that parchment, and not steel, would in future decide the fortunes of families. He was in England in 1606, and Salisbury, when saying good-bye, advised him not to be his own carver. Chichester thought the grants to him were improvident, and was never quite satisfied about his loyalty, but he was able to clear himself of all complicity when Tyrone fled the country, and he took care not to obstruct the settlement afterwards. Before O'Dogherty's outbreak he was on equally good terms with that unfortunate chief and with his opponent, Bishop Montgomery, and he was received at Court in 1608 and 1610. In 1614 he was one of those who went security for Florence MacCarthy in London.²

The Mac-
Donnells
in Antrim.
Sir Randal
Mac-
Donnell.

Mac-
Donnells
and
O'Neills.

Tortuous
policy
of Sir
Randal.

¹ Introduction to Carte's *Ormonde*; Lodge's *Peerage of Ireland* (Archdall), art. Mountgarret; Morrin's *Calendar of Patent Rolls*, Car. I. p. 12 &c.; Fourteenth Report of Historical MSS. Commission, Appx. vii. p. 6; several notices in the last vol. of the *Calendar of State Papers, Ireland*, Jac. I.

² James's first and chief grant was of date May 28, 1603. Hill's *MacDonnells of Antrim*, State Papers, Ireland, 1603-1614, and Erck's *Patent Rolls*.

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VIII.

Sir
Randal's
schemes
in the
Hebrides.

Mac-
donalds
and
Campbells.

Irish ex-
pedition to
the Isles.

While strengthening his position in Ireland, Sir Randal did not give up all hold on the Western Islands, for he obtained a lease of Isla and attempted to govern it along with, and according to the rules of, his Irish estate. He was never able to make much out of it, for his tenants disliked novelties, and so did the Scotch Privy Council. The strong castle of Dunyveg was entrusted by the Government to Bishop Knox of the Isles, but his weak garrison was surprised by one of the bastard Macdonalds, who in his turn had to surrender it to Angus Oig, brother of Sir James Macdonald, lord of Isla, who was a prisoner at Edinburgh. Angus professed to hold the castle for the King; but refused nevertheless to give it up to the Bishop, who had all the authority that the Government could give him. Well informed people at Edinburgh thought Argyle was at the bottom of the whole disturbance, 'and the matter so carried that it was impossible to deprehend the plot.' Bishop Knox, who was well versed in Highland politics, and who would have liked to settle the Hebrides with lowlanders on the Ulster plan, considered it 'neither good nor profitable to his Majesty, nor to this realm, to make the name of Campbell greater in the Isles than they are already; nor yet to root out one pestiferous clan, and plant in another little better.' The offer of a good rent by Sir John Campbell of Calder was nevertheless accepted, and Isla was granted to him, with the authority of King's lieutenant, and orders to root out the Macdonalds. No notice was apparently taken of Sir Randal's rights or claims. Sir James Macdonald's proposals were disregarded, and in November 1614 Sir John Campbell carried a strong force to Duntroon, where he awaited assistance from Ireland. Archibald Campbell, Argyle's representative in Cantire, was sent over to explain matters to Chichester.¹

The King's orders to Chichester were to send 200 men, under an experienced commander, to join the laird of Calder.

¹ Gregory's *Western Highlands*, chap. viii.; Burton's *History of Scotland*, chap. lxi. Avoiding the mazes of Celtic nomenclature, I have called the Scottish clansmen Macdonald, as Burton and Gregory do. The Irish branch of the same tribe I have called MacDonnell, as is usual in Ulster.

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VIII.

He remembered former trouble in Isla, and had heard that the walls were thirty-six feet thick and would require the best cannon that Chichester could get in any Irish forts, as well as petards, and a skilful engineer. Sir Oliver Lambert, who had seen much fighting in Spain and the Netherlands, as well as in Ireland, offered his services, which were at once accepted. Archibald Campbell came to Dublin in November, and accompanied Lambert when he sailed on December 7. The troops were conveyed in two men of war, and a hoy carried the cannon and stores. On December 14 the expedition reached the sound of Isla; but there was no sign of Sir John Campbell, from whom Lambert was to take orders. Letters came at last, but the weather was so bad that Sir John could not come until January 1. It took another month to provide a platform for the 'two whole cannon of brass, and one whole culverin of brass, fair and precious pieces,' which composed Lambert's battery. Captain Crawford, a brave officer, died from the effects of a chance shot, and little or nothing could have been done without Captain Button and his sailors. Button, who had been to Hudson's Bay, and was a discoverer as well as a seaman, found the land-locked harbour now called Lodoms. The walls of Dunyveg turned out to be eight feet thick and not thirty-six, and three days' cannonade was enough for the defenders, who, however, made their escape to a boat which they had hidden among the rocks, and so got away by sea to another part of the island. Their leader, Coll Keitach McGillespie, afterwards went to Ireland. The result of the whole transaction was to give Isla to Sir John Campbell, and so to increase the power of his clan. Sir Randal MacDonnell was strictly forbidden by the King to go to Isla before July 1, when he might sue in the courts at Edinburgh for anything that remained due to him. Lambert gave James a very good account of Campbell, and advised that trained soldiers should be assigned to him. 'One hundred such Irish as with little charge we can bring are able to suppress island after island, reckon what they will of their numbers. Your Majesty's ships will add a great countenance with such

Siege of
Dunyveg,which is
taken,and given
to the
Campbells.

CHAP.
VIII.

Isla worth
four times
as much as
Inish-
hownen.

business, being well acquainted now where to harbour.' He praised Isla, which was free from snow when Cantire, Jura, and the hills of Ireland were all white, and it was worth four times as much as Inishowen 'that you gave my Lord Deputy of Ireland.' . . . The Irish never readily answered your Majesty's laws till they were disarmed, compelled to eat their own meat, and live by their own labours.' The Highlanders were fine men, and might easily be made soldiers if placed under proper government, their present rule being 'yet more barbarous than the rudest that ever I saw in Ireland.'¹

Ulster
affected by
Highland
politics.

The last struggle of the Macdonalds to drive the Campbells from Isla and Cantire had some connection with the movements of the discontented in Ulster, but these intrigues are very obscure, and perhaps scarcely worth unravelling. Sir James Macdonald escaped from Edinburgh in May 1615, and by the end of the year was a fugitive in Spain, his flight having been facilitated by Jesuits in or about Galway. After evacuating Dunyveg, Coll *Keitach* wandered from island to island, and penetrated in Ireland as far as Lough Neagh, whence he returned to Ballycastle Bay, with Sir Randal's nephew Sorley and with other Macdonnells and O'Cahans. At first he merely intended to hide from the Scotch Government in Isla and Cantire, but after conference with his Irish friends he took to piracy, in which Sorley MacJames was his active abettor. In the meantime the Irish Government detected a conspiracy which had been brewing for two years among the landless men unprovided for in the settlement, who were always a source of danger. Alexander Macdonnell, Sir Randal's nephew, was to head the insurrection, with his brother Sorley, and an illegitimate cousin named Lothar or Ludar. In their case the grievance was that Sir Randal had obtained too much and his kinsmen too little, but there were plenty of O'Neills, O'Donnells, O'Cahans and others who were ready to join, and some of them for the sake of religion as well as for land. Cormac Maguire, acting as a sheriff's

The
Islanders
conspire
with the
Irish,

¹ The King to Chichester, October 14, 1614; St. John to Winwood, November 28; Lambert to Somerset, and to the King, February 7, 1615, the latter in *Carew*. Gregory's *Western Highlands*, *ut sup.*

officer in Fermanagh, was charged by a friar named Edmund Mullarkey to join Brian Crossagh and Art Oge O'Neill, who were among the chief conspirators. 'And though thou shouldst die in this service,' he added, 'thy soul shall be sure to go to heaven; and as many men as shall be killed in this service all their souls shall go to heaven. All those that were killed in O'Dogherty's war are in heaven.' The friars great object was to get possession of Tyrone's illegitimate son Con, a boy of fourteen, who was in Sir Toby Caulfield's charge. The eyes of the Irish being upon him, he was sent to Eton for safety, and in 1622 to the Tower, where he may have died, for nothing more appears to be recorded of him.¹

CHAP.
VIII.

who are
encouraged
by a friar.

A son of
Tyrone's.

Rory
O'Cahan's
plot to
surprise
Coleraine,
1615.

London-
derry,

and all the
settlement
towns.

One of the ringleaders, and perhaps the originator of this hopeless plot, was Rory Oge O'Cahan, Sir Donnell's eldest son, who hated Sir Thomas Phillips for apprehending his father and hoped to win Limavady from him. A witness swore that he had seen a written plan signed by all the conspirators, and that the undertaking was to this effect: that first they were to attack Coleraine, where Rory Oge and others would be drinking all day, and that he by a friend could 'command the guard to betray the town, as by letting them in, and that then, being in, they would burn the town and only take Mr. Beresford and Mr. Rowley prisoners, and to burn and kill all the rest, and to take the spoil of the town, and so if they were able to put all the Derry to death by fire and sword.' Lifford, where Sir Richard Hansard alone was to be saved, would come next, a like fate being intended for Massereene, Carrickfergus, Mountjoy and all other English settlements. They proposed to hold the three gentlemen as hostages for the restoration of Neil Garv and his son, of O'Cahan, and of Sir Cormac MacBaron. Help was to be expected from Spain and the Hebrides, until which they could hold out and 'not do as O'Dogherty did.' Rory O'Cahan drank freely and bragged of his intentions, and the

¹ The Friar Mullarkey's part is detailed in State Papers, *Ireland* 1615, Nos. 70-72, For young Con O'Neill see Meehan's *Earls of Tyrone and Tyrconnel*, and for the Scotch element see Gregory's *Western Highlands* and Hill's *Macdonnells*, p. 226 sqq. See also Chichester to Winwood, November 22, 1615.

CHAP.
VIII.The plot is
frustrated.

whole affair is important mainly as showing that the Ulster Irish were anxious to do then what they actually did do in 1641, and what Carew foretold they would do much sooner. The evidence of informers is never satisfactory, but in this case there is a mass of evidence which cannot be resisted. Winwood's correspondents Blundell and Jacob made light of the plot, and they may have known that the secretary thought Chichester had been viceroy long enough. Six or seven of those implicated were executed, including the friar Mullarkey and a priest named Laughlin O'Laverty, with Rory O'Cahan and Brian Crossagh O'Neill, who was an illegitimate son of Sir Cormac MacBaron; Alexander MacDonnell was acquitted.¹

Chichester
recalled,

There seems to be no evidence as to any special reason for recalling Chichester, and perhaps we may take the King's words as the whole truth. He had been Lord Deputy for over eleven years, which was unprecedented, and James, declaring that he had no wish to wear out good subjects in such hard service, gave him leave to retire to his government at Carrickfergus or to go to court, whichever seemed best to him. And there were many expressions of gratitude and good will. The Lord Treasurership of Ireland was vacant by the death of the old Earl of Ormonde, and it was conferred as a mark of honour upon the retiring viceroy. Chichester might probably have been an earl had he been willing to pay court to Somerset, but he excused himself to Humphrey May on the ground that his estate would only support a barony. James admired his letters so much that he advised the favourite to model his style upon them. Somerset's fall does not

and made
Lord
Treasurer.

¹ The evidence of witnesses is in the *Irish Cal.*, 1615, April to June, pp. 29-82. Chichester's report is No. 69, Blundell's and Jacob's 89 and 91, Teig O'Lennar's examination, 71. No. 144 shows that torture was used in one case, being headed 'The *voluntary* confession of Cowconnaght O'Kennan upon the rack . . . by virtue of the Lord Deputy's commission.' O'Kennan, whom Lodder MacDonnell calls Maguire's rhymmer, was a priest according to O'Sullivan Bere, who wrongly asserts that there was only one witness, whom he calls 'lusor' and 'aleator.' This may have been suggested by the fact that, according to Brian Crossagh (No. 143), a *carrow*, or professional gambler, was mixed up in the plot. O'Sullivan also says that the jury consisted of English and Scotch heretics, who had property in Ulster, and therefore desired the death of native gentlemen.—*Hist. Cath.* IV.. iii. 2.

seem, however, to have had anything to do with Chichester's recall. The Chancellor-Archbishop, Thomas Jones, and Chief Justice Sir John Denham were appointed Lords Justices, and were instructed to report either to Winwood or Lake, but matters directly concerning the King were to be referred to Winwood only, 'because it is likely that he will more usually attend his person than his colleague.' They had the customary powers of a viceroy, except that they were forbidden to meddle with wardships or intrusions, or to make knights without direct orders from his Majesty, 'because former Deputies have taken to themselves such liberty as to confer that honour upon needy and unworthy persons, and thereby have done the King's authority and that calling too much wrong.' The interregnum lasted nearly six months without any incident of importance, but Bacon afterwards declared that Denham had done good service as Lord Justice. About six weeks after surrendering the sword, Chichester went to England and joined the King at Newmarket. Ellesmere had warned him that he had ill-wishers among the Council, and he had answered that he desired to be judged by his actions rather than by vague and malicious detractors.¹

CHAP.
VIII.Jones and
Denham,
Lords
Justices,
1616.

Experience teaches most men, whether statesmen or not, the value of Walpole's *quieta non movere*, and they learn to let sleeping dogs lie. There are always plenty of things which will not wait. One of Chichester's first acts as Lord Deputy was to advise a proclamation to 'cut off by martial law seminaries, Jesuits, and such hedge priests as have neither goods nor living, and do daily flock hither.' He must therefore be taken as a consenting party to the famous proclamation issued less than four months later, in which James indignantly repudiated the idea that he could be guilty of toleration, and ordered the whole population of Ireland to attend church on Sundays and holidays according to the

Chi-
chester's
position in
Irish
history.In
principle a
persecutor,

¹ The King to Chichester, November 27-29, 1615; instructions to the Lords Justices, December 19; Chichester to Ellesmere, January 12, 1616; Winwood to the Lords Justices, March 1. Both Gardiner (ii. 302) and Spedding (*Life of Bacon*, v. 376) suggest that Chichester was superseded because he was disinclined to be hard on the Recusants, but of this there is no evidence.

CHAP.
VIII.

but
tolerant in
practice.

Vacilla-
tion of the
English
Govern-
ment.

Chichester
made few
mistakes.

tenor and intent of the laws and statutes, upon the pains and penalties contained therein, which he will have from henceforth duly put in execution.' As to the numerous 'Jesuits, seminary priests, or other priests whatsoever made and ordained by any authority derived or pretended to be derived from the See of Rome' who ranged about seducing the people, they were to leave Ireland before the end of the year on pain of incurring all statutory penalties, or to conform openly. It is just conceivable that this drastic treatment might have succeeded if it had been ruthlessly and consistently applied, but Chichester had neither the wish nor the power to do so, and in less than six months the English Government had veered completely round. Toleration, indeed, was not to be thought of, but admonition, persuasion, and instruction were to be tried before the law was enforced, and as to the priests the Lord Deputy was to 'forbear to make a curious and particular search for them.' After a decade of this vacillating policy Chichester may well have given up the enforcement of conformity as hopeless. He was succeeded by a money-making Archbishop, who would naturally magnify his office in a persecuting direction, and an English judge who was likely to care more for the letter of the law than for political considerations. After them came a new Deputy, who was a soldier like his predecessor, but with much less ability and without his long training in civil affairs. Chichester's character may be estimated from his actions. He was not more tolerant in principle than other public men in his time, but in practice was as little of a persecutor as possible. His integrity is unquestionable. He has been blamed for acquiring Inishowen; but it was clearly forfeited, and might easily have been put into much worse hands. If his advice had been taken, O'Dogherty would never have risen, and perhaps the rebellion of 1641 would have been averted. On the whole he must be considered one of the greatest viceroys that Ireland has had, and if he was less brilliant than Strafford, at least his work lasted longer.¹

¹ Chichester to Cranbourne, March 12, 1605; Proclamation against toleration, July 4; Lords of Council (including Bancroft, Ellesmere, and Salisbury) to Chichester, January 24, 1606.

CHAPTER IX

ST. JOHN AND FALKLAND, 1616-1625

St. John becomes viceroy,

SIR OLIVER ST. JOHN, who had been ten years Master of the Ordnance in Ireland, owed his appointment in part to the rising influence of Villiers; but the advice of Chichester is likely to have been in his favour. His competence was not disputed, and Bacon was satisfied of his 'great sufficiency,' but many people thought he was hardly a man of sufficient eminence. He landed at Skerries on August 26, 1616, but his Irish troubles began before he reached Chester. The soldiers who were to accompany him ran away when they could, and a Welsh company broke into open mutiny. He was sworn in on the 30th, after a learned sermon by Ussher in St. Patrick's Cathedral, and then handed the Lord Treasurer's white staff to Chichester, 'who with all humility upon his knees received the same.' The new Lord Deputy found that there were many pirates on the coast who had friends in remote harbours, and that there was not money enough to pay the soldiers. Worse than this was the case of the corporate towns, where no magistrates could be found to take the obligatory oath of supremacy or the milder oath of allegiance which was voluntary in Ireland. St. John proceeded to carry out the law. Carew, who was not a violent man, and who was well informed as to Irish affairs, reported that 'over eighty' of the best sort of 'citizens' in Dublin and elsewhere were in prison. Jurors who refused to present known and obstinate Recusants were treated in the same way, and the prisons were filled to overflowing. Carew hoped that this course might be persevered in and the towns reduced to villages by revoking their charters. 'God,' he said, 'I hope will prosper these good beginnings, which tend only to

with an empty treasury,

but tries to enforce uniformity.

his praise and glory, and to the assurance of obedience unto his Majesty.'¹

CHAP.
IX.

Bacon
advises a
wary
policy,

Bacon was of a different opinion from Carew. The late Lords Justices had been mainly concerned with Limerick and Kilkenny, where they saw the difficulty but suggested no remedy, 'rather warily for themselves than agreeably to their duties and place.' Bacon himself was for proceeding very warily. He was against tendering the oath of supremacy to these town magistrates at all, and in favour of trusting to gradual remedies. The plantation of Protestant settlers, he said, 'cannot but mate the other party in time' if accompanied by the establishment of good bishops and preachers, by improvement of the new college, and by the education of wards. These were the natural means, and if anything stronger was necessary it should be done by law and not by force. And only one town should be taken in hand at a time so as not to cause panic. St. John himself was in favour of a general attack on the municipalities who refused to elect mayors or recorders, and of carrying this policy out to its logical consequences, otherwise he said the State would only spin and unspin. It was resolved to proceed in the case of Waterford by legal process as Bacon had advised. Before the end of 1615 a decree was obtained in Chancery for forfeiture of the charter, unless the corporation surrendered under seal by a certain day. In July 1616, over six months after the appointed time, Alexander Cuffe refused to take the oath of supremacy as mayor, and at the end of the year this matter was referred to the English Privy Council. In the dearth of magistrates there was no regular gaol delivery and the criminal law was at a standstill; but it was not till October 1617 that the Earl of Thomond and Chief Justice Jones, sitting as special commissioners, obtained a verdict from a county of Waterford jury 'even as the King's counsel drew it.' As late as May 1618 the forfeiture was not com-

but does
not
persuade
St. John,

who tries
to enforce
the oath of
supre-
macy.

¹ Chamberlain to Carleton, April 6, 1616, in *Court and Times*; Bacon to Sir George Villiers, July 1, 1616 (*Spedding*, v. 375). Installation of St. John in *Liber Munerum*, ii. 6. St. John to Winwood, August 1616 (No. 289); Lord Carew to Sir Thomas Roe (Camden Society) December.

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IX.

plete, and the citizens were allowed to send agents to England. The charter was surrendered in the following year, and Waterford, 'of whose antiquity and fidelity,' in Docwra's language, 'the citizens were wont to brag, reduced to be a mere disfranchised village.' And so it remained until the end of the reign.¹

The
Waterford
charter is
forfeited,

The citizens of Waterford valued their charter, but the oath of supremacy was too high a price to pay, and they refused to make even a show of conformity, 'preferring to sit still and attend whatever course the King directs.' Local magistrates were therefore unobtainable, and James suggested that fitting persons should be imported from England. The Irish Government liked the idea, and suggested that thirty families, worth at least 500*l.* each, should be induced to settle. They were not to be violent or turbulent folk but able to furnish magistrates, and two ruined abbeys near the river might be assigned for their reception. If the owners took advantage of the situation to exact high prices, the Government would reduce them to reason. The mayor and aldermen of Bristol were accordingly invited by the English Privy Council to fill the gap, but after a month's inquiry they were unable to find anyone who was willing to inhabit Waterford upon the terms proposed.²

but a
Protestant
corporation
is un-
obtainable.

Fresh
plantations
under-
taken.

When Sir William Jones was made Chief Justice of Ireland in the spring of 1617, Lord Keeper Bacon advised him to 'have special care of the three plantations, that of the North which is in part acted, that of Wexford which is now in distribution, and that of Longford and Leitrim which is now

¹ Bacon to Sir George Villiers, July 5, 1616, in *Spedding*, v. 378; Davies to Lake, December 20, 1615; St. John to Winwood, December 31, 1616, and October 11, 1617; Licence to send agents, May 18, 1618; return of the Commissioners, 1618, No. 431; surrender of charter announced, August 4, 1619. Histories of Waterford by Smith and Ryland. Bacon had recommended procedure by *Quo warranto* or *Scire facias*, and St. John, doubtless prompted by Chief Justice Jones, says the same in his letter to the Privy Council, April 1618, No. 406.

² Lord Deputy and Council to the Privy Council, August 4, 1619; St. John to the same, November 9; Corporation of Bristol to the same, January 31, 1620. There were no mayors or sheriffs of Waterford from 1618 to 1625, both inclusive.

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IX.

in survey. And take it from me that the bane of a plantation is, when the undertakers or planters make such haste to a little mechanical present profit, as disturbeth the whole frame and nobleness of the work for times to come. Therefore hold them to their covenants, and the strict ordinances of plantation.' Seven years had then passed since the Wexford project had been first mooted, and many difficulties had arisen. The lands in question comprised the northern part of Wexford county, with a small strip in Carlow and Wicklow, partly inhabited by representatives of ancient settlers or modern grantees, but more largely by Kinsellaghs, Kavanaghs, Murroes, Macdamores, and Macvadocks, who, as Chichester said, 'when the chief of the English retired themselves upon the discord of the houses of Lancaster and York crept into the woody and strong parts of the same.' The most important person among the English was Sir Richard Masterson of Ferns, whose family had been long connected with the district, and who had an annuity of 90*l.* out of it by Queen Elizabeth's grant. Walter Synnott had a similar charge of 20*l.*, and both received some other chief rents. The Commissioners who visited Ireland in 1613 reported that the tract contained 66,800 acres in the baronies of Gorey, Ballaghkeen, and Scarawalsh stretching from the borders of Carlow to the sea and from Arklow to somewhere near Enniscorthy, along the left bank of the Slaney, besides much wood, bog, and mountain. Many of the inhabitants were tired of disorder, though they had been followers of 'the Kavanaghs and other lewd persons in time of rebellion,' and were willing to give up lands of which they had but an uncertain tenure, and to receive them back in more regular form. They claimed their lands by descent, and not by tanistry, but the descent was in Irish gavelkind and the subdivision had therefore been infinite. The investigation of their titles followed, during which it was discovered that the whole territory was legally vested in the King. Art MacMurrough Kavanagh and other chiefs surrendered their proprietary rights to Richard II. who undertook to employ them in his wars, and to give them an estate of inheritance in

The
Wexford
case.

The people
weary of
Irish
tenures.

CHAP.
IX.

all lands they could conquer from rebels. Art himself was to receive an annuity of 80 marks, which was actually paid for some years. The chiefs did homage, and then the King granted the whole territory in question to Sir John Beaumont, excepting any property belonging to the Earl of Ormonde and certain other grantees, and to the Church. Beaumont's interest became vested in Francis Lord Lovel, who disappeared at the battle of Stoke and whose attainder brought all his possessions to the Crown.¹

Opposition
of Wexford
land-
owners.

The lively proceedings in Parliament during the spring of 1613 drew attention to Ireland and to the Wexford plantation, among other things there. Walter Synnott took the lead among the petitioners who visited London, and the result was a particular reference of the Wexford case to the Commissioners sent over to inquire into Irish grievances. Even with their report before us it is not easy to understand all the details. The Commissioners say that 35,210 acres, or more than half of the whole territory, were assigned to Sir Richard Masterson, but in the schedule the figure is only 16,529. The general result was that 12,000 acres were declared without owners, and these it was intended to divide among certain military officers. Fifty-seven natives became freeholders under the scheme, of which only twenty-one retained their 'ancient houses and habitations, some of the remoter lands being given to new undertakers, and in exchange they are to have others nearer to their dwellings, at which they are discontented, saying that they are not sufficiently recompensed.' Even the lucky ones had to give up part of their land, while 390, who claimed small freeholds, got nothing, and all the other inhabitants, amounting to 14,500

The dis-
satisfac-
tion is
general.

¹ Chichester to Salisbury, June 27, 1610. Report of Commissioners, November 12, 1613, p. 449. The latter is more fully given in *Desiderata Curiosa Hibernica*, ii. 372. In Chichester's project (*Irish Cal.*, 1614, No. 859) the escheated territory is described as 'the Kinsellaghs, and Bracknagh, and McDamore's country, McVadock's country, the Murrowes, Kilhobuck, Farrenhamon and Kilcooleneleyer, and a small part of Farren Neale,' to which Rothe adds 'Clanhanrick.' In 1606 the judges had declared that 'Les terres de nature de gavelkind ne fueront partible enter les prochains heires males del cestuy que morust seisie, mais enter tous les males de son sept.' Davies's *Reports*, 1628.

men, women, and children, were left at the will of the patentees, 'though few are yet removed.' The new undertakers declared that they would disturb no one except in so far as was necessary to make demesnes about the castles which they were bound to build, Masterson, Synnott and others being ready to let lands to them at rates merely sufficient to satisfy the crown rents.¹

Chichester's original project was not covetous on the part of the Crown, for it aimed at no greater revenue than 400*l.* instead of 279*l.* 3*s.* 4*d.* which had hitherto been the highest annual revenue. In consideration of being bound to build castles and to inhabit mountainous regions, the rent demanded from the undertakers, who were to be all Protestants, was somewhat less than that of the Irish freeholders. Whatever might be thought of the plan no one was satisfied with the way in which it worked out. Many such of the natives, say the Commissioners, as formerly 'agreed to this new plantation now absolutely dislike thereof, and of their proportions assigned them in lieu of their other possessions taken from them, for that, as they affirm, their proportions assigned are not so many acres as they are rated to them, and because the acres taken from them are far more in number than they be surveyed at, which difference cannot be decided without a new survey, which some of the natives desire.' If the case of the newly-made freeholder stood thus, what must have been the feelings of men who were made altogether landless? Most of the Irish had been concerned in Tyrone's rebellion, but some had been always loyal, like the old English inhabitants. As for Walter Synnott and others in his position, they professed themselves willing to pay the King as much as the new undertakers, but not in any way to contribute to the expenses incurred by them. After receiving the report of the Commissioners, James agreed to a revised plan which was very favourable to the Irish, or at least to some of them. The new undertakers were to receive only 16,500 acres in all and those the least fertile, the rest, after satisfying Masterson, Synnott, and another, was to be divided

The more
the plan
is known,

the less it
is liked.

The
scheme
is
revised.

¹ Report of Commissioners in 1613, *ut sup.*

CHAP.
IX.

But few
are
satisfied.

among the Irish. When Chichester ceased to be Lord Deputy at the end of 1615, nothing had been finally settled, and recriminations continued for some time. On a fresh survey it was discovered that 'half the country was before distributed under the name of a quarter only.' Eighty Irish freeholders were then made in addition to the first fifty-seven, which still left 530 claimants unprovided for according to their own account, or 303 according to the official view. The fortunate ones were of course overjoyed, but by far the greater number were not fortunate. The patentees whose titles had been clearly made surrendered and received fresh grants on a somewhat reduced scale. Of the undertakers whose patents had not been fully perfected Blundell alone secured 500 acres by the King's especial wish, and 1,000 were assigned to the Bishop of Waterford. The royal revenue was increased by about 300*l.* a year, and the expenses of the settlement were defrayed by the country.¹

Report of
Commissioners
on the
plantation.

The Commissioners above mentioned were instructed to inform themselves minutely as to the proceedings in the proposed plantation, which at the time of their inquiry had been going on for more than three years; they were to find out how many families were to be displaced, of what condition they were, whether they had been good subjects or not, and whether they held by descent or by tanistry. Similar particulars were to be given about the undertakers or settlers who were to take their places and 'whether any of them be of the Irish and namely of the Kavanaghs.' The Commissioners were ordered to discover whether the evictions had been so managed as to deprive the people of their growing crops, and as to the houses available for them on ejection; and also whether they were capable of making the same improvements as the undertakers were bound to, and of paying the same rents. As Chichester was himself a member of the Commission, the report may be taken as a fair or perhaps as a

¹ Report of Commissioners in 1613, *ut sup.* Sir Henry Docwra's letters of December 23, 1617, and March 3, 1618. Chichester's original project and the English Council's criticisms are calendared under 1612, Nos. 600-602.

CHAP.
IX.

The Irish inhabitants willing to make some concession,

favourable account of what was actually done. Most of the Irish inhabitants realised that their position as tenants in gavelkind was weak, and they were ready in 1609 to surrender on condition of getting an indefeasible title to three-fourths of their land, leaving the remainder for English settlers. They said there were 667 of them in this position, but the official record only mentioned 440: probably the discrepancy was owing to many of them not having put in their claims by the appointed day. Fourteen out of the whole number had patents from the Crown to show. Before anything was actually done the discovery of the King's title was made, but at first this seemed to make little difference, and the Irish people were almost persuaded that nothing was intended but their good. They were told that the King would be satisfied with a small increase in his revenue, 'and that the civilising of the country was the chief thing aimed at'; but that those who thwarted his Majesty's excellent plans 'should have justice, which is the benefit of subjects, but were to look for no favour.' The general idea was that freeholds should not be less than 100 acres, or sixty in some rare cases, and that the rest of the peasants should become leasehold tenants to them or to English undertakers. The freeholders alone would have to serve on juries, and it was desirable not to have too large a panel, as the difficulty of getting verdicts would be increased thereby. Fifty-seven freeholders were accordingly made, of whom twenty-one were not disturbed, the others were shifted about and were not content, declaring that the land given in compensation was insufficient. 'To the residue,' the report continues, 'which claim to be freeholders, being for the most part possessed of but small portions, no allowance of land or recompense is assigned or given.' There were 390 of these and 14,500 persons besides remained in the country 'at the will of the patentees.' It was not proposed actually to remove them from their houses or holdings unless they interfered with a demesne, but for this forbearance there was no adequate security.

but are dissatisfied with the terms given.

These people, or many of them, had not been unwilling

CHAP.
IX.

A Wexford
jury will
not find
the King's
title,

and strong
measures
are taken.

Indecision
of the
King.

People who
benefited
by the
settlement.

to see English gentlemen come among them, and even to give up some land in order to secure the remainder, but the wind changed when it was discovered that only something like one in ten would have any estate at all. The King's title had been found by the lawyers, but it was necessary that there should be a verdict also, and in December 1611 a Wexford jury refused to find one. The case was removed into the Exchequer with the same jury, and after much argument eleven were ready to find for the King and five against him. The minority were sent to prison and fined in the Castle Chamber, and the case was remitted to Wexford, where the eleven obedient jurors were reinforced by Sir Thomas Colclough and John Murchoe or Murphy, 'now a patentee in the new plantation,' and therefore an interested party, and the King's title by Lord Lovel's attainder was thus found.¹

The tendency of James I. to give decisions upon one-sided evidence, and to veer round when he heard the other side, is well illustrated by his dealings with the Wexford settlement. The case for the Irish inhabitants, as matters stood at the end of 1611, may be taken as sufficiently stated in the petition presented by Henry Walsh on their behalf. Walsh seems to have been a lawyer, but he was in possession of 220 acres as a freeholder, which were reduced to 130 by the plan of settlement. He stated that he and his fellows had surrendered upon the faith of a regrant in common socage 'reduced from gavelkind and other uncertain tenures' in consideration of paying a head rent of 90%. to the Castle of Ferns and of 60%. into the Exchequer. The regrants were delayed, but on the King's title being set up he was induced to grant patents to several undertakers, 1,500 acres apiece being assigned to Sir Laurence Esmond, 'servitor, and a native of Wexford,' and Sir Edward Fisher, also a servitor. It afterwards appeared that 19,900 acres were disposed of in this way, 500 to Nicholas Kenny the escheator, 1,000 to William Parsons the surveyor and future Lord Justice, 600 to Conway Brady, the Queen's footman, 1,000 to Francis

¹ Report of 1613 Commissioners *ut sup.*

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Blundell, afterwards Vice-Treasurer, 1,000 to Sir Robert Jacob the Solicitor-General, and so forth. Some of these were put into possession by the sheriff even before the issue of their patents, military force being employed. Walsh said a hundred thousand people were affected by these transactions, which was no doubt a great exaggeration, but he could state with some truth that the interests of Sir Richard Master-son and other old English settlers were threatened by the assertion of a title 'dormant and not heard of time out of mind.' The Commissioners for Irish causes in London so far supported the petition that they advised the revocation of all patents granted since the surrender of the native land-owners, and that no advantage should be taken of them except to exact a moderate increase of the Crown rent. The King thereupon ordered Chichester to revoke the patents to Fisher and Esmond, to raise the rent from 45*l.* to 50*l.*, and not to allow Henry Walsh to be molested. The petitioners, said the King, had been denied the benefit of the Commission of defective titles, and 'advantage taken of their surrender to their own disherison.' Chichester objected that the Commissioners for Irish causes had been misled by false statements, and that he would suspend all action until he had fresh orders. Whereupon the King, who had been having some talk with Sir John Davies, declared that Walsh's petition was 'full of false and cautelous surmises,' and ordered him to be summoned before the Irish Council and punished in an exemplary manner if he failed to prove his statements. Chichester was directed to go on with the plantation, assured of his Majesty's continued approbation, and encouraged to make the work his own by visiting the district in person.¹

The King is convinced by the complainants,

but soon changes his mind.

The King approves of the plantation.

The preparations for holding a Parliament may have hindered Chichester's activity, but the King's vacillations

¹ Walsh's petition followed by certificate, December 5, 1611; the King to Chichester, January 21 and March 22 and 31, 1612; Chichester to Salisbury, March 5. As to the intruding patentees see State Papers calendared under 1613, p. 452 *sqq.* A petition of Redmond MacDamore and others calendared under 1616, No. 248, is substantially the same as Walsh's, and probably belongs to 1611. The sheriff gave possession to the patentees on May 7, 1613, forcing the doors where necessary and turning out the inmates.

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The critics
to be
punished.

Nullum
Tempus
occurrit
Regi.

Bishop
Rothe's
view of the
planta-
tion.

would have caused delay in any case. At the end of 1612 James revoked all former letters on the subject except that of May 7, 1611, by which the Lord Deputy had been authorised to receive the surrender of the natives and to make 'regrants to such of them as he should think fit such quantities of land and at such rent and upon such conditions as he should think fit.' There might then be made such an intermixture of English settlers as would civilise the country and 'annoy the mountain neighbours if they should thereafter stir.' Henry Walsh and Thomas Hoare, who had held public indignation meetings and 'endeavoured seditiously to stir up the inhabitants' against the King's title and against his good work of plantation, were ordered to be duly punished for their 'inordinate and contemptuous behaviour.'¹

It is a well-known maxim of our law that the Crown cannot lose its rights through lapse of time. In modern practice this doctrine has been somewhat modified by statute and by the decisions of judges; but in the time of James I. it was accepted literally, and no lawyer or official seems to have thought that there was anything extraordinary in setting up a title for the King which had not been heard of for generations. Those who suffered by the transaction pleaded that Art MacMurrough had no right to the country in the feudal sense, and could not therefore surrender it; and even if the effect of Lord Lovel's attainder were admitted, there had been no attempt to act upon it for 120 years. The official correspondence has hitherto been followed here, but it is fair to append the criticism of a thoroughly competent observer who lived not far off and who understood the subject. The learned David Rothe, who was a very honest and by no means extreme man, appealed like Bacon to foreign countries and the next age, and published the story of the Wexford settlement in Latin. He showed how little chance rude and illiterate peasants had against lawyers, and he foresaw the consequences of driving them to desperation. 'The Viceroy,' he wrote, 'ought to have looked closer before he suggested an imperfect and shaky title to the King, as a

¹ The King to Chichester, April 16, 1613.

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solid foundation for his new right, and before he drove from their well established and ancient possession harmless poor natives encumbered with many children and with no powerful friends. They have no wealth but flocks and herds, they know no trade but agriculture or pasture, they are unlearned men without human help or protection. Yet though unarmed they are so active in mind and body that it is dangerous to drive them from their ancestral seats, to forbid them fire and water; thus driving the desperate to revenge and even the more moderate to think of taking arms. They have been deprived of weapons, but are in a temper to fight with nails and heels and to tear their oppressors with their teeth. Necessity gives the greatest strength and courage, nor is there any sharper spur than that of despair. Since these Leinster men, and others like them, see themselves excluded from all hopes of restitution or compensation, and are so constituted that they would rather starve upon husks at home than fare sumptuously elsewhere, they will fight for their altars and hearths, and rather seek a bloody death near the sepulchres of their fathers than be buried as exiles in unknown earth or inhospitable sand.' ¹

He fore-
tells future
trouble.

In the autumn of 1619 St. John reported that 300 outlaws had been killed, most of them doubtless in the hills between Tyrone and Londonderry, but many also near the Wexford plantation, where small bands of ten to twenty escaped detection and punishment for a long time. Their own countrymen and neighbours proved the most efficient tools of the Government, and a grandson of Feagh MacHugh O'Byrne, whom St. John addressed as his loving friend, took money for this service. Means were found to satisfy a very few more native claimants, raising the number to 150, which was considered too many, since the really suitable cases had long been dealt with. Some of the Kavanaghs who boasted themselves the descendants of kings, but whom St. John was never tired of describing as bastards and rebels, 'with a

Outlaws
about the
planta-
tions.

¹ Rothe's *Analecta Sacra*, iii. art. 19, Cologne, 1617. The text was evidently composed before Chichester had ceased to be viceroy, and therefore before the work of the Wexford settlement was quite finished.

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crew of wicked rogues gathered out of the bordering parts, entered into the plantation, surprised Sir James Carrol's and Mr. Marwood's houses, murdered their servants, burned their towns, and committed many outrages in those parts in all likelihood upon a conspiracy among themselves to disturb the settlement of those countries. For which outrage most of the malefactors have since been slain or executed by law.' In London a tenant of Blundell's, who was perhaps crazy and certainly drunken, asked him for a drink, after taking which he proposed to go to Ireland and help to burn his landlord's house. Petitioners continued to bring their complaints both to London and Dublin, and in the summer of 1622 Mr. Hadsor, who knew Irish, looked into the matter and begged them to return to their own countries on the understanding that well-founded grievances should be reported to the King.

The undertakers settle down on the land.

By the time of Hadsor's survey things had gone too far to be altered, and the undertakers had laid out large sums, though in many cases less than they were bound to do. St. John reported in 1621 that 130 strong castles had then been built. But Hadsor retained his opinion as to the injustice attendant on the Wexford plantation far into the next reign, and other able officials agreed with him. And so the grievance slumbered or rather smouldered until 1641.¹

Plantation in Longford and King's County.

The territory of Annaly, mainly possessed by the O'Ferralls and their dependents, had been made into the county of Longford by Sir Henry Sidney. Chichester marked it as a good field for plantation in 1610, but there were many difficulties, and nothing was actually done until St. John's time. In this, as in other cases, the general idea was to respect the rights of all who held by legal title, to give one-fourth of the

¹ St. John to the Privy Council, September 29, 1619, on which Gardiner mistakenly states that 300 outlaws were slain in connection with the Wexford plantation only. Same to same, November 9. Grant of 100*l.* to Hugh MacPhelim O'Byrne, *ib.* No. 602, and St. John's letter to him, June 18, 1620; Sir Francis Blundell to the Council (written in London) July 20, 1620; Lord Deputy and Council to the Council, December 6, 1620 and May 25, 1621; Sir Thomas Dutton to Charles I., December 20, 1629; and Hadsor's opinion calendared under 1632, 2190, 7. Donnell Spaniagh of Clonmullen and thirty-five other Kavanaghs, with many Wexford neighbours, were pardoned in 1602. *Morrin's Patent Rolle*, Eliz. p. 607. Hadsor in *Sloane MS.* 4756.

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The plan
better than
the execu-
tion.

Persist-
ence of
tribal
ideas.

remaining land to English undertakers and to leave three-fourths to the Irish, converting their tribal tenures into freeholds where the portions were large enough, and settling the rest as tenants. There can be no doubt that the new comers on the whole improved the country, and much might be said for these schemes of colonisation if they had been always fairly carried out. The intentions of the King and his ministers were undoubtedly good, but many causes conspired against them. Not a few of the undertakers in each plantation thought only of making money, and were ready to evade the conditions as to building, and above all as to giving proper leases to their tenants whether English or Irish. And among the natives there were many who hated regular labour, and preferred brigandage to agriculture. The old tribal system was incompatible with modern progress, but the people were attached to it, and their priests were of course opposed to the influx of Protestants.

In the early part of 1615 James gave his deliberate decision that plantations of some kind offered the best chance for civilising Ireland. In this way only could the local tyranny of native chiefs be got rid of, and the people improved by an intermixture of British accustomed to keep order and qualified to show a good example. The turn of Longford came next to that of Wexford, and with it was joined Ely O'Carroll, comprising the baronies of Clonlisk and Ballybritt in King's County not contiguous to the rest of the plantation. In Ely there were no chief-rents or other legal incumbrances, but 200*l.* a year were due to the heirs of Sir Nicholas Malby out of the whole county of Longford and 120 beeves to Sir Richard Shaen the grantee of Granard Castle. These rent-charges were irregularly paid, and were the source of constant bickerings. There were no similar incumbrances in Ely, and neither there nor in Longford was there any pre-eminent chief at the moment, which made the task somewhat easier. It was part of the plan that there should in future be no O'Ferrall or O'Carroll with claims to tribal sovereignty.¹

¹ The King to Chichester, April 12, 1615. Ely O'Carroll comprised the baronies of Clonlisk and Ballybritt, the southern portion of King's County.

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Attempt to
apply the
Wexford
lesson.

The
O'Ferralls.

A careful
survey.

Ely
O'Carroll

It was not till towards the end of 1618 that the conditions of the plantation were at last settled. The correspondence and notes of the survey were submitted to a committee of the Privy Council consisting of Archbishop Abbot, Sir George Carew, the Earl of Arundel, and Secretary Naunton, and their report was acted upon; but a commission to carry out the scheme was not appointed until the following autumn. Chichester as well as St. John were members, and the great care which was taken seems to have made the plantation less unpopular than that of Wexford. Many objections indeed were made to acting upon such an old title as the King had to Longford, and to ignoring grants made in the late reign; though perhaps the lawyers could show that they had for the most part been nullified by the non-performance of conditions. The O'Ferralls had on the whole been loyal, and promises had been made to them. Whatever the arrangements were, it was evident that many natives would have no land, and it was urged that they would be better subjects if it was all given to them. Having no other means of living they would be driven to desperation and commit all manner of villanies, as the tribesmen of Ulster were ready to do if they got the chance. The King, however, was determined to carry out his plan, and the O'Ferralls yielded with a tolerably good grace, objecting not so much to giving up one-fourth of the country to settlers as to having to redeem Shaen's and Malby's rents out of the remainder. The Wexford misunderstanding was avoided by having a careful survey taken from actual measurements, and it was found that in Longford 57,803 acres of arable and pasture were available for the purposes of the plantation, the remainder, amounting to over 72,000 acres, being occupied by old grantees or by bogs and woods. Ely was better, 32,000 acres out of 54,000 being described as arable and pasture. The general order was that no freeholder should have less than 100 acres, and those who had less were to have leases for three lives or forty-one years under a planter or some more fortunate native. The unlucky ones generally and naturally complained that the measurements

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hardship.Troubles
from
landless
men.The under-
takers non-
resident.

were inaccurate, and that they were thus unfairly reduced to 'fractions.' The undertakers, whether English or Irish, were to keep 300 acres in demesne about their houses. There seem to have been some cases of hardship even in the opinion of the Irish Government. Of these the most important was that of Sir John MacCoghlan in King's County, who had fought bravely on the side of Government, but who, nevertheless, lost part of his property. As late as 1632 he was noted as a discontented man who ought to be watched, and his clansmen generally joined in the rebellion of 1641. As in the case of Wexford trouble came from those who were excluded from freehold grants. They were to have taken up the position of tenants, but could get no land at reasonable rates, and in 1622, after St. John had left Ireland, the Lords Justices reported that they were preparing to come to Dublin in multitudes. The discontent never died out, and Longford was infested with rebels or outlaws so that a rising was feared in 1827 and in 1832. Hadsor, who knew all about the matter, attributed the failure of the plantation to the way in which the natives had been treated, the ideas of King James not having been carried out in practice. Strafford's strong hand kept things quiet for a time, but in 1641 Longford was the first county in Leinster to take part in the great rebellion.¹

A survey of the plantations hitherto made was taken in 1622, and the Commissioners reported that some of the undertakers in Wexford were sometimes resident, and that they had built strongly, though not within the specified time. Their colleague, Sir Francis Annesley, had his demesne stocked and servants on the spot; and it was suggested that he should be enjoined to reside. Some natives complained that they had been cheated, but the patentees had been long in quiet possession, and the Commissioners prudently refused to meddle. In Longford and Ely no undertakers were resident,

¹ Certificate of survey, November 20, 1618; Lord Deputy and Council to the Privy Council, November 8, 1619; Commissions for settling the plantation, September 30, 1619 and April 10, 1620; Lords Justices and Council to the Privy Council, June 22, 1622; Lord Wilmot's discourse, 1627, No. 534; Richard Hadsor's propositions, 1632, No. 2190; Lords Justices to Vane, November 13, 1641.

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The
natives not
attracted
by short
leases,

with
stringent
covenants.

Plantation
of Leitrim.

‘Henry Haynes and the widow Medhope only excepted.’ In Ely there was no actual provision for town, fort, or free school, though lands had been assigned; but Longford was better off in these respects. Twenty-acre glebes were assigned by the articles to sixteen parishes in Ely, but these had not been properly secured to the incumbents. In Longford the King made large grants to Lord Aungier and Sir George Calvert, which were satisfied out of the three-quarters supposed to be reserved for the natives. Those of the old inhabitants whose interest was too small for a freehold were expected to take leases from the undertakers, ‘but we do not find that they have any desire to settle in that kind.’ They were not attracted by the maximum term of three lives or twenty-one years, at a rent fixed by agreement or arbitration, distrainable within fifteen days, and with a right of re-entry after forty days; nor by covenants to build and enclose within four years.¹

The whole county of Leitrim was declared escheated, and in this case there were no settlers either from England or from the Pale. Mac Glannathy or Mac Clancy, head of the clan among whom Captain Cuellar suffered so much in the Armada year, was independent in the northern district, represented by the modern barony of Rosslogher. The rest of the county was dependent on the O’Rourkes. Some two hundred landholders declared themselves anxious to become the King’s tenants and submit to a settlement. Lord Gormanston claimed to hold large estates as representative of the Nangle family, who had been grantees in former days; but this title had been too long in abeyance. Leitrim was not a very inviting country, and the undertakers were very slow to settle; so that the business was not done until far into the new reign, and was never done thoroughly at all. Carrigdrumrusk, now Carrick-on-Shannon, had been made a borough for the Parliament of 1613, and the castle there was held for the King, but was of little use in preventing outlaws and cattle-drivers from passing between Leitrim and Roscommon. A more vigorous attempt was made at Tullagh, a

¹ Brief return of survey in *Sloane MS.* 4756.

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IX.General
ill-success
of the
smaller
planta-
tions.The land
unfairly
divided.Irish
soldiers in
Poland.

little lower down the Shannon, where a corporation was founded and called Jamestown. The buildings were erected by Sir Charles Coote at his own expense, and he undertook to wall the place as an assize town for Leitrim. It was further arranged that the assizes for Roscommon should be held on the opposite bank, and the spot was christened Charlestown. But as a whole the settlement of Leitrim was not successful. At the end of 1629 Sir Thomas Dutton, the Scoutmaster-General, who had ample opportunities for forming an opinion, declared that the Ulster settlement only had prospered, and that the rest of Ireland was more addicted to Popery than in Queen Elizabeth's time. The Jesuits and other propagandists had increased twentyfold. In Wexford, King's County, Longford, and Leitrim corruption among the officials had vitiated the whole scheme of plantation and made it worse than nothing. Hadsor, who thoroughly understood the subject, said much injustice had been done to the natives, and that the Irish gentlemen appointed to distribute the lands had helped themselves to what they ought to have divided among others. Carrick and Jamestown returned Protestant members to Strafford's Parliaments, but the large grant to Sir Frederick Hamilton was the most important gain to the English interest. When the hour of trial came, Manor Hamilton was able to take care of itself.¹

Chichester's policy of sending Irishmen to serve in Sweden had been only partially successful, many of them finding their way home or into the service of the Archdukes. St. John reported in 1619 that the country was full of 'the younger sons of gentlemen, who have no means of living and will not work,' and he favoured the recruiting enterprise of Captain

¹ St. John's description of Connaught, 1614, in *Carew*, p. 295. St. John to Lords of Council, December 31, 1620, in *Cal. of State Papers, Ireland*; Sir Thomas Dutton to the King, December 20, 1629, *ib.*; Hadsor's propositions, *ib.*, 1632, p. 681. The final grant to Sir Frederick Hamilton is in Morrin's *Patent Rolls*, Car. I. p. 541. In a letter to Wentworth of February 12, 1634-5, Viscount Wilmot suggests that Coote should be asked 'what became of the 5,000*l.* allotted to be disbursed upon the town and wall of Jamestown,' *Melbourne Hall Papers*, ii. 175.

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James Butler, who was already in the Polish service. Protestantism was repressed to the utmost by Sigismund, but it was possible to represent him as a bulwark of Europe against the Turks. Later on, when the Prince of Wales and Buckingham had returned in dudgeon from Madrid, Poland was at peace with the infidel and allied with Spain against Sweden, and it was considered doubtful policy to encourage the formation of Irish regiments who would be used to crush Protestant interests on the Continent.¹

Unpopu-
larity of
St. John.

The Spanish match affected all public transactions during the later years of James's reign. Before his departure for Madrid in 1617 Digby warned Buckingham that all the Irish towns were watching the Waterford case in hopes of getting better terms for the Recusants, and that Spain 'relied upon no advantage against England but by Ireland.' At this period he himself wished that the King would proceed roundly and dash all such expectations. St. John was willing enough so to proceed, but was constantly checked by diplomatic considerations; while the priests gave out that a Spanish invasion might be expected at any time. The Lord Deputy seems always to have satisfied the King, but he was evidently unpopular with the official class, and it was perhaps more to opposition of this kind that he owed his recall than to his too great Protestant zeal, as Cox and many other writers have assumed. He told Buckingham that there was a strong combination against him in the Irish Council, and that Sir Roger Jones, the late Chancellor's son, openly flouted him. Jones was ordered to apologise and forbidden to attend the Council until he had done so; but the opposition were not silenced, and the Privy Council in England sided with them. It was reported that he had disarmed the Irish Protestants, for which there can have been no foundation. The pay of the army was heavily in arrear, but that was not his fault, though it must certainly have contributed to make his government unpopular. He had forwarded the plantation system largely, making more enemies than friends thereby, but

¹ St. John to the Privy Council, September 29, 1619; Privy Council to St. John, August 1621; extract of a letter calendared at June 17, 1624.

James thought colonisation the only plan for Ireland, and appreciated his exertions in that way. In August 1621 the King declared that it was a glory to have such a servant, who had done nothing wrong so far as he could see. He had already created him Viscount Grandison with remainder to the issue of his niece, who had married Buckingham's brother. It is possible that the support of the favourite may have been less determined when that honour had been secured to one of his family. The fall of Bacon, who thought St. John 'a man ordained of God to do great good to that kingdom,' may have lessened his credit. By the end of the year it had been decided to send a Commission to Ireland with large powers, and the Privy Council maintained that their inquiries could be better conducted in the Deputy's absence. James said he had never been in the habit of disgracing any absent minister before he were heard; but in the end it was decided to recall Grandison. He left Ireland on May 4, 1622, and the Commissioners arrived about the same time. He had never ceased to call attention to the miserable state of the army and to the 'tottered carcasses, lean cheeks, and broken hearts' of the soldiers, whose pay was two years and a half in arrear and who had nevertheless retained their discipline and harmed no one. They were almost starving, 'and I know,' he said 'that I shall be followed with a thousand curses and leave behind me an opinion that my unworthiness or want of credit has been the cause of leaving the army in worse estate than ever any of my predecessors before have done.'¹

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He is
praised by
the King,

and by
Bacon,

but is
neverthe-
less
recalled,

leaving a
starving
army in
Ireland.

The King's, or Buckingham's, choice fell upon Henry Cary, lately created Viscount Falkland in Scotland and best known as the father of Clarendon's hero. Falkland was Controller of the Household, and sold his place to Sir John Suckling,

Lord
Falkland
made
Viceroy,
Feb.
1621-2.

¹ Sir John Digby to Buckingham, June 4, 1617, in *Fortescue Papers* (Camden Society); St. John to Buckingham, *ib.*, November 24, 1618 and August 17, 1620; the King to St. John, concerning Sir Roger Jones, October 6, 1620. For the report as to disarming Protestants see *Court and Times*, ii. 304; communications between King and Privy Council calendared January 28 to February 3, 1622; St. John to the Privy Council, October 13, 1621 and April 8, 1622.

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Sermon by
Bishop
Ussher,

who
wished to
enforce the
Act of
Supre-
macy,

but is re-
buked by
the
Primate.

the poet's father, who paid a high price. The money may not all have gone to the new Lord Deputy, but his departure was delayed for seven months by the long haggling about it, Sir Adam Loftus and Lord Powerscourt acting as Lords Justices. He was sworn in on September 8, 1622, after hearing Bishop Ussher preach a learned sermon in Christchurch on the text, 'He beareth not the sword in vain.' This sermon, which is not extant, was looked upon by some as a signal for persecution; and no doubt the reports of it were much exaggerated. Ussher found it necessary to write an explanatory letter to Grandison summarising the argument he had used. It rested, he had said, with the King to have the recusancy laws executed more or less mildly, but the Established Church had a right to protection from open insult. He had alluded, without giving names, to the case of 'Mr. John Ankers, preacher, of Athlone, a man well known unto your lordship,' who had found the church at Kilkenny in Westmeath occupied by a congregation of forty, headed by an old priest, who bade him begone 'until he had done his business.' The Franciscans who were driven out of Multiernham by Grandison had retaken it, and were collecting subscriptions to build another house 'for the entertaining of another swarm of locusts.' He asked that the recusancy laws should be strictly executed against all who left the Establishment for the Church of Rome, but deprecated violence and 'wished that effusion of blood might be held rather the badge of the whore of Babylon than of the Church of God,' which is a little too like the common form of the Inquisition. On the day after this letter was penned, Primate Hampton wrote a mild rebuke from Drogheda. He thought it very unwise to trouble the waters, and suggested that Ussher should explain away what he had said about the sword, for his proper weapons were not carnal but spiritual. He also advised the Bishop of Meath to leave Dublin and spend more time in his own diocese, of which the condition, by his own showing, was unsatisfactory, and to make himself loved and respected there even if his doctrine was disliked. According to Cox, Ussher preached such a sermon as the Primate

advised ; but there seems to be no trace of it anywhere else.¹

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Effects
of the
Spanish
marriage
negotia-
tions.

The King
of Spain
treated as
sovereign.

Whatever may have been the Bishop of Meath's exact meaning, Falkland was well inclined to use his authority for the support of the Establishment. But the Spanish match was in the ascendant, and not much was done until the Prince of Wales came back without his bride. While the prospect was still held out of having an Infanta as Queen of England, the priests became bolder than ever. A clergyman was attacked by a mob of eighty women when trying to perform the funeral service for Lady Killeen. At Cavan and Granard thousands assembled for worship, and Captain Arthur Forbes reported that, unless he knew for certain that the King wished for toleration, he would 'make the antiphonie of their mass be sung with sound of musket.' Some priests went so far as to pray openly for 'Philip our king.' At Kells fair it was publicly announced that the Prince of Wales was married and that the Duke of Buckingham had carried the cross before him. The return of the royal adventurer came as a surprise, and the Roman Catholics of the Pale proposed to send agents to London to congratulate him upon it, and to make it clear that they had no hand in obstructing the marriage. The newly made Earl of Westmeath and Sir William Talbot took the lead and proposed to raise a sum of money which seemed to Falkland quite disproportioned to the necessity of the case. Earls were expected to contribute ten pounds, and there was a graduated scale down to ten shillings for small freeholders, 'beside what addition every man will please to give.' Falkland was very suspicious, and it is clear enough that a general redress of grievances was part of the plan ; but Westmeath and his friends were probably too loyal to excite much enthusiasm, and the whole scheme was given up because subscriptions did not come in.

Charles reached England in October, and early in 1624 a proclamation was printed and published, apparently by

¹ *Court and Times*, ii. 327 ; Ussher to Grandison, October 16, 1622, *Works*, xv. 180 and Hampton to Ussher, *ib.* 183 ; Cox's *Hibernia Anglicana*, ii. 39.

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Proclamation
against the
priests,
Jan. 1624,

which
takes little
effect.

the King's orders, banishing on pain of imprisonment all Roman Catholic priests of every kind and rank. They were to be gone within forty days, and to be arrested if they came back. The only way of escape was by submitting to the authorities and going to church. The reason set forth for this drastic treatment was that the country was overrun by great numbers of 'titulary popish archbishops, bishops, vicars-general, abbots, priors, deans, Jesuits, friars, seminary priests, and others of that sect,' in spite of proclamations still in force against them. But the King, or Buckingham, wavered, and not much was done towards getting rid of the recusant clergy. An informer who started the absurd rumour that Westmeath was to be king of Ireland, acknowledged that he had lied; but Falkland was not satisfied, because on Friday in Easter week there was a great gathering some miles from the Earl's house, 'made by two titular bishops under the title of visiting a holy anchorite residing therabouts.' In the end, Westmeath went to England, where he was able to clear himself completely, the prosecution of his detractors was ordered, and Falkland was persuaded that his chief fault was too great a love of popularity.¹

The tendency of the official mind in the days before the Long Parliament was to stretch the prerogative. Ministers were responsible only to the King. It was therefore natural for Irish viceroys to magnify their office and to claim within their sphere of action powers as great as those of the sovereign himself. Being of a querulous disposition, Falkland was even more than usually jealous of any restraint. During the early part of his government the Lord Treasurer Middlesex turned his attention to Irish finance, effecting economies which may or may not have been wise, but which were certainly distasteful to the Lord Deputy, who lost perquisites and patronage. Rumours that there was to be a general

¹ Proclamation of January 21, 1623-4, *Carew*; Falkland to Calvert (with enclosures), October 20, 1623; to Conway (sent with Westmeath), April 27, 1624; Archbishop Abbot to Conway, September 10, 1623, *Cal. of State Papers, Ireland*, June 4, 1625.

massacre of English were rife throughout Ireland, but Falkland admitted that there was never such universal tranquillity, though his pessimism led him to fear that this was only the lull before a storm. Not more than 750 effective men would be available in case of insurrection which might be encouraged from Spain after the marriage treaty was broken off. The English Government thought the danger real enough to order the execution of the late proclamation against Jesuits and others who 'picked the purses of his Majesty's subjects by indulgences, absolutions, and pardons from Rome.' The number of horsemen was to be increased from 230 to 400, and of foot from 1,450 to 3,600; arrangements were made as to supplies, and the forts were to be put in better order. The scare continued until the end of the reign, but Olivares, though perhaps very willing to wound, had not the means for an attack on Ireland.¹

CHAP.
IX.

Alarmist
rumours.

The Lord Deputy complained that his letters were not answered, but the home Government were occupied with the English Parliament, which was prorogued May 29, 1624; and it was also thought desirable to hear what Sir Francis Annesley had to say. Falkland did not get on either with him or with Lord Chancellor Loftus, who were also Strafford's chief opponents. He granted certain licences for tanning and for selling spirits, which required the Great Seal to make them valid, but Loftus hesitated to affix it, saying that one was void in law and the other in equity. If the judges decided against him he would submit. Falkland's contention was that the Chancellor must seal anything he wished, but Loftus said his oath would in that case be broken and his office made superfluous. An angry correspondence ended by a reference to the King, and Loftus was called upon to explain. He was able to show that he also had suffered by Middlesex's economies, and that his official income was much smaller than that of his archiepiscopal predecessor's had

Falkland's
grievances.

¹ Falkland to Conway, April 24, 1624; to Privy Council, March 16, 1625; Council of War for Ireland (Grandison, Carew, Chichester, etc.) to the Privy Council, July 6, 1624.

CHAP.
IX.

Death of
James I.

been. A considerable increase was granted. And so the matter rested when James I. died.¹

Henry IV. is reported to have said that his brother of England was the wisest fool in Christendom. Macaulay thought him like the Emperor Claudius. Gardiner tried to be fair, but admitted that the popular estimate of James is based upon the 'Fortunes of Nigel'; and therefore it is not likely to be soon altered. He has been more praised for his Irish policy than for anything else, and perhaps with truth; for there is such a thing as political long sight, clear for objects at a distance and clouded for those which are near at hand. The settlement has preserved one province to the English connection, and has thus done much to secure the rest; but it may be doubted whether the unfairness of it was not the chief cause of the outbreak in 1641, and so to a great degree of the bitterness which has permeated Irish life ever since.

¹ Lord Deputy to Lord Chancellor, October 22 and 28, 1624, and Loftus's answer to the first; Conway to Grandison and others, November 24; Loftus to the Privy Council, January 10, 1625; Privy Council to the King, March 21.

CHAPTER X

EARLY YEARS OF CHARLES I., 1625-1632

THE death of James I. made little immediate difference to Ireland. King Charles was proclaimed in Dublin, and a new commission was issued to Falkland as Lord Deputy. An attack from Spain was thought likely, and the Irish Government were in no condition to resist it, for the pay of the troops was in arrear—nine months in the case of old soldiers and seven in the case of recent levies. Being hungry they sometimes mutinied, and were more dangerous to the country than to foreign invaders. The fortifications of the seaports were decayed, and ships of war were unable to sail for want of provisions. Pirates continued to infest the coast, and this evil was aggravated by constant friction between the Irish Government and the Admiralty of England. Falkland continued viceroy for more than six years after the accession of Charles I., constantly complaining that he was neglected and that his official powers and privileges were unfairly curtailed. With Lord Chancellor Loftus he continued to be on the worst of terms, and the King was at last driven to place the Great Seal in commission. Loftus was sent for to England.¹

Accession
of Charles
I., March,
1625.

The suspended Chancellor was accused of seeking popularity for himself and intriguing against the King, especially with regard to the expenses of recruiting and maintaining soldiers. There were charges, all denied, of hearing cases in private and making money by extortion; and Loftus openly claimed the right to eke out his salary of 360*l.* by

Quarrel
between
Falkland
and
Loftus.

¹ For the wretched state of the army see State Papers, *Ireland, passim*, particularly the letters of Sir Richard Aldworth, October 17, 1626, and February 16, 1626.

CHAP. X. exacting certain fees. After a long inquiry by King and Council, Loftus, who could keep his temper, was completely exonerated, and was granted the unusual privilege of quitting Ireland whenever he pleased without forfeiting his place. Prosecutions in the Castle Chambers were ordered against those who had accused him falsely. Loftus was at war with Lord Cork as well as with the Deputy, and Cork sustained the charges against him before the King and Council.¹

The case
of the
O'Byrnes.

Like his two predecessors, Falkland believed that plantations were the best things for Ireland, and he had not been many months in the country before he proposed to settle the lower part of Wicklow and some strips of the adjoining counties. In the days of Feagh MacHugh O'Byrne the district had been constantly disturbed, and his son Phelim trod for a time in his footsteps; but he made his peace with Queen Elizabeth and held a considerable part of the tribal territory, though by a rather uncertain tenure. The Queen perhaps intended to secure him by patent, but this was not done during her lifetime, and James issued letters to the same effect, which Grandison managed to avoid acting on. The reason given for delay was that much of the land in question had been granted to individuals by patent, and that the whole territory belonged in fact to the King. Middlesex, for some reason not now evident, opposed Falkland's scheme of a plantation, and the London Commissioners for Irish causes did the same. Plantations, said the latter, were very good things in themselves; but they were the cause of much exasperation in those concerned, and in several cases but little progress had been made, so that it was unreasonable to break fresh ground. Falkland would do well if he could break off the dependence of the people on their chiefs, and induce them to hold their lands by some civilised tenure and at reasonable rents. From this we may perhaps infer that some of the O'Byrne clansmen were not at all anxious to submit to Phelim's yoke.' Falkland, however, endeavoured to get Buckingham's support for a plantation. If the matter were taken out of his hand he

The
English
Govern-
ment tired
of planta-
tions.

¹ *Court and Times*, of Charles I., July 11, 1628, i. 377. The King to Falkland, August 4 and 16, 1628.

would apply for 6,000 acres, but if the arrangements were left to him he would ask for nothing.¹ CHAP. X.

Falkland soon returned to the charge. He found, or thought he found, a widespread conspiracy in that part of Leinster which contained O'Byrne's country, and he reiterated his opinion that a plantation commanded by a strong fort was the only way to break up the dependency of the clansmen on their chief. Two of Phelim's sons were arrested and shut up in the Castle. All official delays, said Falkland, were attributed to fear; but there would be no cause for it if money were provided to pay the soldiers. The London Commissioners were, however, still bent upon making Phelim a great man with a court leet, court baron, fairs and markets, provided he would make his sons freeholders with 200 acres of good land apiece. Nothing decisive was done, but after three years' watching Falkland announced that he had really got the threads of the conspiracy. Phelim O'Byrne and five of his sons were arrested, Butlers, Kavanaghs and O'Tooles being also implicated as well as some in Munster. By this time Buckingham was dead, and this may have turned the scale against Falkland. Bills of indictment were found against Phelim and his sons, and at that stage proceedings were stopped by peremptory orders from England. The King declared his intention of appointing a special commission to inquire into the whole matter, and the Archbishops of Armagh and Dublin, the Lord Chancellor, Chief Justice Shirley, Lord Wilmot, Sir Francis Annesley and Sir Arthur Savage were named for the purpose. Falkland bitterly complained that Loftus, Annesley and Savage were his personal enemies; with Ussher and Shirley he declared himself thoroughly satisfied. Wilmot and Annesley do not seem to have acted, but the others took their share of the work. The Commissioners proposed to examine some Irish-speaking prisoners, but Falkland refused to allow this

Falkland wishes to colonise Wicklow,

but the plan is disliked in London.

Arrest of Phelim O'Byrne.

A royal commission on the Wicklow case,

¹ Falkland to the Privy Council, May 3, 1623; Commissioners for Irish causes to same, July (No. 1058 in Cal.); Falkland to Buckingham, printed in Miss Hickson's *Ireland in the Seventeenth Century*, i. 45. The latter is undated, but must be earlier than Middlesex's fall in May 1624.

CHAP. X. unless he might name the interpreter. It was stated by some witnesses that he had previously used the services of Sir Henry Bellings and William Graham, both of whom were interested in the O'Byrne lands. Under these circumstances the inquiry was not satisfactory, but the Commissioners examined thirty-six witnesses and sent over the whole mass of evidence without any comments of their own. There was no cross-examination, and the facts were not properly sifted; but the whole story can scarcely be false. Some witnesses declared that their evidence before the grand jury was extorted by threats and others that they had been tortured. They were not witnesses of the best sort, for one said that he would do service against his father to save his own life, and another that after being chained in a dungeon for five weeks without fire or candle, he was ready to swear anything, 'and he thinketh there is no man but would do so.' A witness of a higher class was William Eustace of Castlemartin in Kildare, who testified that the foreman of the grand jury had been Sir James Fitzgerald, whose father Sir Piers, with his wife and daughter, had been burned to death in cold blood by a party which included Phelim MacFeagh. He swore that the majority of the grand jurors had not the legal freehold qualification, and that the sheriff appointed through Lord Esmond's influence was likewise unqualified. Esmond had an interest in the lands, and so had Sir Henry Bellings, who was also a grand juror. As a result of the inquiry, the O'Byrnes were released, and no doubt this contributed to Falkland's recall, though Ussher was most anxious to shield him. Phelim McFeagh and his sons retained some of the territory in question, but it would seem that Esmond, Graham, and others got shares, as well as Sir William Parsons and Lord Chancellor Loftus.¹

whose
report is
unfavour-
able to
Falkland.

¹ The evidence taken by Falkland is calendared at January 20, 1629. The evidence taken before the special commission is printed in Gilbert's *Confederation and War*, i. 187. Particulars as to the lands may be found in Morrin's *Cal. of Patent Rolls*, Car. I. pp. 356, 366, 399, 496. Accounts from various points of view are given in Gardiner's *History*, viii. 20, in Miss Hickson's *Seventeenth Century*, i. 38, and in Carte's *Ormonde*, book i. Ussher admitted that the special commission had made more haste than good speed, see his letter of January 22, 1628-9, *Works*, xv. 421.

CHAP. X.

Remarks
on the
O'Byrne
case.

Falkland's
defence.

Carte's account of the O'Byrne affair has been generally accepted, but it is not impartial. He suppresses facts unfavourable to Phelim MacFeagh, and he exaggerates the part taken by Sir William Parsons, whose later proceedings after Strafford's death were distasteful to him. Moreover, he gives his reader to understand that the O'Byrnes were deprived of all their property, which was certainly not the case. Phelim died early in 1631 and his sons retained the land which they held by patent; what was considered to be in the King's hands being granted to the Earl of Carlisle. The Irish Council were on the whole favourable to Falkland, whom they knew to have no personal interest in the matter. Phelim they declared to be a notorious rebel, whose intrigues had engaged the attention of three deputies; and he had compassed the death of a magistrate named Pont. Falkland had only taken part in the trial because the witnesses were so overawed by their priests that they refused to give evidence before any inferior minister. Lord Cork, who seems to have had no interest in the Wicklow lands, had the worst opinion of Phelim. Falkland himself was very indignant at having his conduct questioned by Commissioners who were subordinate to him as long as he was Deputy. They did not, he complained, hear both sides, and their behaviour, always excepting Ussher and Shirley, was partial and spiteful. For himself he was 'a gentleman born of such descent as the blood of most of your honourable lordships who sit at the Council table runs in my veins,' and he ought to be believed 'in spite of the malicious backbitings of scandals by men of no generation or kindred, whose beginning has been either mercenary or sordid, though perchance advanced by fortune above their merit, and not understanding more of honour than the title they have obtained (I will not say how).' This was directed against Loftus, and there is much more to the same effect.¹

¹ Irish Council to the King, calendared at April 28, 1629; the King to the Lords Justices for the Earl of Carlisle, March 29, 1631; Lord Esmond to Dorchester, September 18; Lord Cork to Dorchester, January 1630 (No. 1591). Falkland's Apology, December 8, 1628, is printed in Gilbert's *Confederation and War*, i. 210.

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CHAP. X.

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CHAP. X. Falkland believed that the plots in Leinster originated with Lord Thurles, Ormonde's eldest son, whose proceedings were suspected in 1619. This young man, who was the great Duke of Ormonde's father, was drowned at the end of that year near the Skerries during his passage to England. Nine years later an adherent of his house gave particulars as to Lord Thurles's intentions not long before his death. Feeling that his family were likely to be ruined, he proposed to raise a force of 1,500 men, and he was in correspondence with Spain. He went from house to house swearing people to follow him, and one of his adherents was Sir John McCoghlan, who was discontented about the King's County plantation. Suspicion having been aroused, Lord Thurles was summoned to England and was lost on his way over. The whole story is of very doubtful credibility, but there was enough to justify measures upon Falkland's part.¹

Financial
difficulties.

An
assembly
of
Notables.
The
'graces.'

From the very beginning of his reign Charles I. was in want of money, and he longed to make Ireland self-supporting. Some popularity was gained by restoring the charter of Waterford early in 1626, but the King's quarrels both with France and Spain made it necessary to increase the army in Ireland at the expense of the country. It was decided to have 5,000 foot and 500 horse, but in the meantime the small existing force was unpaid and worse than useless. Falkland was directed to convene an assembly of Irish notables, and induce them to provide funds by the promise of certain privileges or 'graces.' The peers and bishops accordingly met in the middle of November 1626, and sat in the same room with the Council, who occupied a long table in the middle. Some delegates from the Commons were afterwards added, but neither with them nor without them could the assembly come to any decision. The negotiations went on for nine months, and ended in the appointment of agents for the different provinces who were to go to England and state their case before the King. Westmeath took an active part

¹ Falkland to Lord Conway, September 3, 1628, enclosing two letters from Captain James Tobin; Captain Tobin's information given in England, September 29, 1629, and January 13, 1630.

against the Government. 'The eighth of the original graces offered by Charles provided that the shilling fine for non-attendance at church on Sundays and holidays should not be exacted except in special cases. A limited toleration would thus be the consideration for a grant towards the payment of the army. Twelve bishops, with Ussher at their head, met and declared that 'the religion of the Papists is superstitious and heretical,' and its toleration a grievous sin. 'To grant them toleration in respect of any money to be given or contribution to be made by them is to set religion to sale and with it the souls of the people.'

CHAP. X.

Toleration
a grievous
sin.

This was not published for some time, but while the negotiations were still in progress George Downham, bishop of Derry, a Cambridge man and a strong Calvinist, preached at Christ Church before the Lord Deputy and Council. Having read the judgment of the twelve prelates, he called upon the congregation to say Amen, and 'suddenly the whole church almost shaken with the great sound their loud Amens made.' Ussher himself preached next Sunday to the same effect, saying much of Judas and the thirty pieces of silver. He was, however, strongly in favour of a grant being made for the army, and his speech to the assembled notables a few days later urged the duty of contributing to the public defence. 'We are,' he said, 'now at odds with two of the most potent princes in Christendom; to both which in former times the discontented persons in Ireland have had recourse heretofore, proffering the kingdom itself unto them, if they would undertake the conquest of it.' Desmond had offered the island to France in Henry VIII's time, and after that the Spaniards had never 'ceased to give trouble. Nor were matters much improved by the late plantations; for while other colonising states had 'removed the ancient inhabitants to other dwellings, we have brought new planters into the land, and have left the old inhabitants to shift for themselves,' who would undoubtedly give trouble as soon as they had the chance. The burden of the public defence lay on the King, and it was the business of subjects to render Cæsar his due.¹

Ussher
on the
things that
are
Cæsar's.

¹ The King to the Lord Deputy and Council, with the first version of the Graces, September 22, 1626. The declaration of the bishops, November

CHAP. X.

Irish
soldiers in
England.

The Act of
Supremacy
defied.

Bargain
between
the King
and the
Irish
agents.

The Irish agents did not leave Dublin until very near the end of 1627, and on reaching London found that toleration was by no means popular. Considerable bodies of Irish troops were billeted in England, sometimes coming into collision with the people and causing universal irritation. The famous third Parliament of Charles I. met on March 17, and one of their first proceedings was to petition the King for a stricter administration of the recusancy laws. A little later the Commons in their remonstrance against Buckingham complained of the miserable condition of Ireland, where Popery was openly professed and practised. Superstitious houses had been repaired or newly erected, and 'replenished with men and women of several orders' in Dublin and all large towns. A few months later a committee reported that Ireland was swarming with friars, priests, and Jesuits who devoted themselves to undermining the allegiance of the people. Formerly very few had refused to attend church in Dublin; but that was now given up, and there were thirteen mass houses, more in number than the parish churches. Papists were trusted with the command of soldiers of their own creed, and the Irish generally were being trained to arms, 'which heretofore hath not been permitted, even in times of greatest security.' The agents no doubt found that they had a better chance with the King than with anyone else, and they consented to waive the promise not to enforce the shilling fine for non-attendance at church, being perhaps privately satisfied that such enforcement would not take place. The agents were of course all landowners or lawyers nearly related to them, and they procured the much more important undertaking that a sixty years' title should be good against the Crown. They agreed to pay 120,000*l.* in three years for the support of the army, but there were complaints that this was too burdensome, and the

26, 1626, and Ussher's speech, April 30, 1627, are in Elrington's 'Life of Ussher,' prefixed to his *Works*, i. 72-88. As to Downham's sermon, April 22, 1627, see the paper calendared No. 693. Diary of the proceedings of the Great Assembly concerning the maintenance of 5,000 foot and 500 horse, October 14, 1626, to June 26, 1627, No. 713 in Calendar. The new charter of Waterford, May 26, 1626, is in Morrin's *Patent Rolls*, Car. I., 169.

time for completing the payment was afterwards extended CHAP. X.
to four years.¹

It was provided by the graces that the limitation of the King's title to land and other important concessions should be secured by law, and the opening of Parliament was fixed for November 1. Roman Catholics who had formerly practised in Ireland or who had spent five years at the English inns of court were to be admitted to practise as barristers on taking a simple oath of allegiance, without any abjuration of the papal authority, and this was a considerable step towards toleration. A Parliament had been promised by the original graces in 1626 and clamoured for by the assembly of notables in 1627, but it soon appeared that it would be impossible to hold it by the beginning of November 1628, and people in Ireland were sceptical as to there being any real intention to hold one at all. Falkland issued writs, however, and it appears that some elections actually took place, when it was discovered in London that the provisions of Poyning's Act had not been complied with. The measures proposed to be passed should have been first sent from the Irish Government, and an answer returned under the Great Seal of England authorising or amending them. The objection proved fatal, and no Parliament was held, while the Irish nobility and gentry complained that even the purely administrative part of the Graces had not been acted upon. The Government required that the 120,000*l.* already granted should be paid into the Exchequer, but there would then be no security for the troops being paid, and the Irish gentry, with good reason, feared that they might pay their money without escaping the extortion and disorder of the soldiers. In the meantime the English Government suggested that more activity might be shown against the religious orders in Ireland, and Falkland gladly issued a proclamation forbidding the exercise of all ecclesiastical jurisdiction derived from

A Parlia-
ment is
promised,

but not
held.

¹ *Rushworth*, i. 514, 622. Report of Commons committee, February 24, 1628-9, in Gardiner's *Constitutional Documents*, No. 14. For the billeting of Irish soldiers in England see *Court and Times*, i. 316, 331. It was reported in London that the Irish Recusants were giving 120,000*l.* for a 'kind of public toleration' with power to erect monasteries, *ib.* 375.

CHAP. X. Rome, and ordering all monasteries and colleges to dissolve themselves. It was not intended to interfere with the secular clergy nor with the laity. According to Falkland the immediate effect of this proclamation was very great. The Jesuits and Franciscans blamed each other, and there was no resistance in Dublin. But at Drogheda, the residence of Ussher, who was a party to the proclamation, it was treated with contempt, 'a drunken soldier being first set up to read it, and then a drunken serjeant of the town, both being made, by too much drink, incapable of that task, and perhaps purposely put to it, made the same seem like a May game,' and mass was celebrated as regularly, if not quite so openly, as before. It was at this moment that Falkland's recall was decided on, though he did not actually surrender the government for six months, the King declaring his unabated confidence and his wish to employ him about his person. No money was, however, allowed him for travelling expenses, and he had to sell plate and furniture, while a troop of horse and company of foot, which he held by patent for life with reversion to his second son, were cashiered. Gondomar, he observed, 'did term patents the common faith.' Yet he claimed to have governed more cheaply than any of his predecessors, no money having been remitted from England during his whole term of office, and he had increased the revenue by 14,000*l*. He had acquired no land for himself, and we may probably dismiss as mere scandal the statement that he had a share in the nefarious profits of certain pirates. He cannot, however, be considered a successful viceroy, and the querulous tone of his letters has prejudiced historians against him.¹

Proclamation
against
regular
clergy,
April 1,
1629.

Recall of
Falkland,
Aug. 1629.

¹ Captain Bardsey's note of abuses, 1625, No. 1417 in Russell and Prendergast's *Calendar*; proclamation against the monasteries etc., April 1, 1629, with Falkland's letters of April 5 and May 2; Falkland to Ussher, April 14 and May 15, 1629, in Ussher's *Works*, xv. 438, 442; Falkland to Dorchester, April 17 and September 29, 1629; King's letter of recall, August 10. The Report of the Commissioners for Irish affairs concerning Poynings' Act is calendared at September 9, 1628, and the story is told in *Rushworth*, ii. 16-22. It appears from Ware's *Diary*, quoted by Gardiner, viii. 18, that the election for Dublin was actually held. The

Falkland was an unpopular man, and many objections were made to him. He was accused of conspiring with Sir Dominic Sarsfield, Chief Justice of the Common Pleas, to procure the condemnation of one Bushell, a man of eighty, for the murder of his wife with intent to divide his property between them. Falkland brought this case before the Star Chamber, Lord Mountnorris being one of the defendants. He had said that the Lord Deputy 'would not suffer the King's servants to enjoy their places.' Falkland succeeded completely after a trial which lasted several days. Wentworth, who gave judgment in his favour, exonerated Mountnorris, who was only proved to have said that the Deputy's government was tyrannical and that he prevented the King's servants from enjoying their places. 'My Lord Mountnorris,' said Wentworth, 'I acquit: every word must not rise up in judgment against a man.'¹

CHAP. X.

Falkland
falsely
accused,
1631.

One of Falkland's later acts was to give a company to his eldest son Lucius, who was under twenty, and the Lords Justices who succeeded him transferred the command to Sir F. Willoughby, who was an excellent soldier. Young Cary admitted this, but added 'I know no reason why therefore you should have my company any more than why therefore you should have my breeches,' and so challenged him to fight. Willoughby said he had specified that he had rather not have this particular company or that of Sir Charles Coote. The duel did not take place, but Cary spent ten days in the Fleet, whence he was released on his father petitioning the King.'²

Youthful
escapade of
Lucius
Cary.

Lord Danby, who as Sir Henry Danvers had been President of Munster, was named for the viceroyalty, but at his age he was unwilling to undertake such an arduous task. Lord Chancellor Loftus and Lord Cork were then appointed Lords Justices, the army being placed in Wilmot's hands.

Cork and
Loftus
Lords
Justices,
1629-1632.

graces in their complete form are in Cox's *Hibernia Anglicana*, ii. 45, and in Strafford's *Letters*, i. 312.

¹ Star Chamber cases, ed. Gardiner, *Camden Society*, 1886.

² The petition is in *Cabala*, 221, other documents are in Lady Theresa Lewis's *Friends of Clarendon*, i. Appx. B-E. The imprisonment was from January 17 to 27, 1629-30.

CHAP. X. The Lords Justices were on very bad terms, but Secretary Lake urged them to make friends, and a solemn reconciliation took place in Lord Wilmot's presence, 'which I beseech God,' Cork wrote, 'his lordship observe as religiously as I resolve to do, if new provocations enforce me not to alter my resolutions.' Wilmot was sanguine enough to think that they would not quarrel again. Their instructions were to suppress all Popish religious houses and all foreign jurisdictions, and to persuade the army and people to attend divine service. Trinity College, Dublin, was to receive every encouragement and care was to be taken in the exercise of ecclesiastical patronage and to rescue benefices from lay hands. The King's intention to call a Parliament was reiterated and a large discretion was left to the Lords Justices, but judicial appointments, nominations to the Privy Council, and commissions in the army were reserved to the Crown.¹

Raid on
religious
houses in
Dublin,

So little effect had Falkland's last proclamation against the regular orders, that Wilmot reported the establishment of seventeen additional houses within four months after its publication. 'The Archbishop of Dublin,' Lord Cork notes in his diary, 'and the mayor of Dublin, by the direction of us the Lords Justices, ransacked the house of friars in Cook Street.' Thomas Fleming, a Franciscan, was titular archbishop of Dublin, and his order had been much strengthened by his appointment. On St. Stephen's Day, the day after Christmas, 1629, Archbishop Bulkeley, accompanied by the mayor and a file of musketeers, visited the Franciscan church during high mass, cleared the building, and arrested some of the friars, who were promptly rescued by a mob 3,000 strong. Showers of stones were thrown, and Bulkeley was glad to take refuge in a house. The Lords Justices appeared with their guard, but there were not soldiers enough available to act with effect, and Wilmot reported that there was not one pound of powder in the Castle. The friary was razed to the ground in the presence of the Recusant aldermen.

¹ Lord Cork's Diary in *Lismore Papers*, 1st series, iii. 2. Wilmot to Dorchester, October 22, 1629. The instructions to the Lords Justices are calendared under July, No. 1443.

A month later the English Privy Council approved strongly of what had been done, and ordered the demolition of the convents, which should be turned into 'houses of correction, and to set the people on work or to other public uses, for the advancement of justice, good arts, or trades.' The regulars had increased in every considerable town, and at Cork Sir William St. Leger by the Lords Justices' order seized four houses; but all the inmates had warning, and escaped. There was room for forty Franciscans and twenty Dominicans, the Jesuits and Augustinians also being suitably accommodated. The Jesuit church and college in Back Lane, Dublin, were, however, annexed to Trinity College, and the former was for some time used as a lecture-room.¹

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and Cork.

The attitude of the Lords Justices to each other was little better than an armed neutrality, and not much could be expected from a Government so constituted. At the beginning of 1631 even Wilmot thought there would be an open rupture, and the Lords Justices had differences as long as they were in office; but they agreed so far as to reduce the army, and something like a proper relation between income and expenditure was thus arrived at. In May 1630 about 200 notables met the Council, and with the exception of Lord Gormanston they all demanded a Parliament, which was fixed for November, but which never met. Cork said he had known Ireland for forty-three years and had never known it so quiet, but he thought it impossible for any public man really to understand the country because the priests kept governors and governed permanently estranged. Spanish attempts on Ireland had always failed, and he did not fear them, but there was a constant source of danger in a population of hardy young men with nothing to do. The English settlers were indeed numerous, but comfortable farmers with wives and children would not easily be induced to come out and fight; and the Irish understood this

Weakness
of the
Govern-
ment, 1630.

¹ Lord Cork's Diary in *Lismore Papers*, 1st series, iii. 13. Wilmot to Dorchester, January 6, 1630; Cork to same, January, No. 1591, with enclosures; Privy Council to the Lords Justices, January 31, printed in *Foxes and Firebrands*, ii. 74, 2nd ed., Dublin, 1682; Gilbert's *History of Dublin*, i. 242, 300; Cork to Dorchester, March 2, 1630.

CHAP. X. perfectly. Even in Dublin and Meath large armed bands had broken into houses by night and taken what they wanted. The Government were just strong enough to hang or disperse such banditti, but the last of the voluntary subsidy would be paid at the end of 1632, and at the beginning of that year Wentworth had been appointed Deputy.¹

St.
Patrick's
Purgatory
demo-
lished.

The Ulster settlement had not put an end to St. Patrick's Purgatory on Lough Derg, in Donegal, in the territory of Termon-Magrath, which the wicked old Archbishop of Cashel had held by patent and transmitted to his son. The Lords Justices found no difficulty in agreeing on this subject, and they bound James Magrath in a penalty of £1,000 'to pull down and utterly demolish that monster of fame called St. Patrick's Purgatory, with St. Patrick's bed, and all the vaults, cells, and all other houses and buildings, and to have all the other superstitious stones and materials cast into the lough, and that he should suffer the superstitious chapel in the island to be pulled down to the ground, and no boat to be there, nor pilgrimage used or frequented during James Magrath's life willingly or wittingly.' The work seems to have been thoroughly done, to the great grief of some people; and Henrietta Maria, with her own hand and in her own tongue, begged Wentworth to restore a place to which the people of the country had always been so devoted. It was, she said, the greatest favour that he could do her, and the liberty granted should be used very modestly. This letter was sent by Lord Antrim, who had probably suggested it, and he was commissioned to press the matter on the viceroy. Without granting the Queen's request, Wentworth was able to say truly that the thing was done before his time, but that it would be hard to undo it; and he advised her to wait till a more suitable opportunity. In the meantime he was most anxious to serve her Majesty without the intervention of Antrim or any one else. The Purgatory was 'in the midst of the great Scottish planta-

The Queen
desires its
restora-
tion.

Went-
worth's
opinion.

¹ Wilmot to Dorchester, February 1, 1631; Lord Cork's letters of December 8, 1630, and January 12, 1631; Ware's Diary in Gardiner, viii. 28; Lord Cork's Diary, November 26, 1632, in *Lismore Papers*, iii. 167.

tions,' and the Scots were only too anxious for an excuse to find fault with the King's Government. Pilgrimages to Lough Derg were resumed in course of time, and it was estimated that as many as 13,000 devotees went there annually in the early part of the nineteenth century.¹ CHAP. X.

¹ Todd's *St. Patrick*, vii. ; Hill's *Plantation in Ulster*, 184 ; Henrietta Maria to Wentworth, and his answer, October 10, 1638, in *Strafford Letters* ; Lord Cork's Diary, September 8, 1632 in *Lismore Papers*, iii. 159 ; Cæsar Otway's *Sketches*, 1827.

■

CHAPTER XI

GOVERNMENT OF WENTWORTH, 1632-1634

Wentworth
Lord
Deputy,
Jan. 1632.
His antecedents.

DR. JAMES WELWOOD, physician-in-ordinary to William III., wrote a short history of the hundred years preceding the Revolution and dedicated it to the King. He gave Strafford full credit as a great orator and greater statesman, and as a zealous opponent of illegal taxation during the first three Parliaments of Charles I., but goes on to say that 'the Court bought him off, and preferred him to great honours and places, which lost him his former friends, and made the breach irreconcilable.' That was the orthodox Whig view of the case, which prevailed when the Stuart monarchy had been finally converted into the parliamentary system of Walpole. The Puritans were satisfied to call Strafford an apostate, and the Whigs followed them. But he never really belonged to the popular party, and he sought office from the first, not only from ambition but from a love of efficient government. He became *Custos Rotulorum* of the West Riding in 1615, when he was only twenty-two, and a member of the Council of the North less than four years afterwards. A year later he was a successful candidate for the representation of Yorkshire, with a Secretary of State as his colleague, no other than Sir George Calvert, who became the Roman Catholic Lord Baltimore. In seeking the support of an influential neighbour at the election held on Christmas Day, 1620, Wentworth said: 'In London I will carry you to Mr. Secretary, make you known to him, not only procure you many thanks from him, but that you shall hereafter find a readiness and cheerfulness to do you such good offices as shall be in his way hereafter. Lastly, I hope to have your company with me at dinner that day, where you shall be most welcome.'

His rapid
promotion.

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Early in 1626, when he was only thirty-two, Wentworth applied to be made Lord President of the North in the event of a vacancy which was then expected. He stated that he had no wish to rise except by Buckingham's means, and that he reposed under the shadow of his favour. He was at that time out of Parliament, the favourite having had him made sheriff of Yorkshire on purpose to exclude him. The death of Buckingham cleared the way for Wentworth, and in a little more than a year after his commission to the Marshalsea for refusing to pay the forced loan, he had found no difficulty in accepting a barony, a viscounty, and the coveted Presidency of the North. His action was really analogous to that of a modern politician who opposes the Government of the day, not with a view to overthrow it, but in order that he himself may be taken inside. Though this kind of thing is never admirable we find no great difficulty in tolerating it, but it was different in the time of Charles I.; men were too much in earnest and the principles at stake were too great. It is, therefore, possible to believe Welwood's story about Wentworth's relations to Pym, for which there does not appear to be any contemporary authority, but which may have been derived from those who were alive at the time. According to this account Wentworth, when he had determined to make his peace with the Court, asked Pym to meet him alone at Greenwich, where he enlarged upon the danger of extreme courses, and advised him to make favourable terms for himself and his friends while there was yet time. 'You need not,' answered Pym, 'use all this art to tell me that you have a mind to leave us, but remember what I tell you, you are going to be undone. Remember that though you leave us now, I will never leave you while your head is on your shoulders.'¹

His breach
with the
Puritans.Went-
worth and
Pym.

¹ Welwood's *Memoirs of the most Material Transactions, etc.*, being short and well written, may have had a good deal to say to forming public opinion. There are a great many editions, and Lord Chatham praised the book. Wentworth to Conway, January 20, 1625-6 in State Papers, *Domestic*. Wentworth's letter to Sir Robert Askwith, December 7, 1620, is in *Camden Miscellany*, vol. ix. Other electioneering letters are in the *Strafford Letters*, i. 8-13. Hobbes says it is hard to judge motives, but that Wentworth's

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Went-
worth's
alliance
with Laud.

A close union between Church and State formed a necessary part of Wentworth's political system. He hated sectaries, though he does not seem to have had any very strong theological bias. Archbishop Abbot was accused by his enemies at Court of being too intimate with Sir Thomas Wentworth, when still in opposition, the real fact being that they had met once in nine months, and then only for consultation about a young Saville to whom they were joint guardians. With Laud Wentworth had much more in common, and sought his acquaintance as soon as he became a Privy Councillor, late in 1630. 'Coming to a right understanding of one another,' says Heylin, 'they entered into such a league of inviolable friendship' as only death could part, and so co-operated for the honour of the Church and his Majesty's service. They were in correspondence about Irish affairs before Wentworth left England, and agreed upon a policy of 'Thorough' both in civil and ecclesiastical affairs. Very soon after his arrival in Dublin Wentworth congratulated the bishop upon his translation to Canterbury, and the latter pointed out in reply that the Church was much 'bound up in the forms of the common law,' and that there were many clogs to the State machinery. 'No such narrow considerations,' wrote Wentworth soon after, 'shall fall into my counsels as my own preservation, till I see my master's power and greatness set out of wardship and above the exposition of Sir Edward Coke and his year-books, and I am most assured the same resolution governs in your lordship. Let us then in the name of God go cheerfully and boldly; if others do not their parts I am confident the honour shall be ours and the shame theirs, and thus you have my Thorough and Thorough.'¹

promotion was a sign of the King's weakness, 'for in a market where honour and power is to be bought with stubbornness, there will be a great many as able to buy as my Lord Strafford was' (*Behemoth*, part ii.)

¹ Hackett's *Life of Williams*, pt. ii. p. 67, ed. 1692; Heylin's *Life of Laud*, pt. i. lib. 3, pp. 184, 196, ed. 1671; Laud to Wentworth, July 30, 1632 (misprinted 1631), April 30, and September 9, 1633, *Strafford Letters*; Wentworth to Laud, October 1633, 'in a letter not printed,' *Additional MSS.*, 38, 538, f. 197. See also Gardiner's *History of England*, vii. 152.

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XI.Wentworth's
assistants

Wandesford.

Radcliffe.

Radcliffe
and Mainwaring.

In one of his first letters from Ireland Wentworth says he trusted nobody on that side of the channel but Christopher Wandesford and George Radcliffe, who were his cousins and had made themselves useful in Yorkshire. Both had begun in opposition, and had followed their leader when he espoused the cause of prerogative. Wandesford became Master of the Rolls, and was the last holder of that office in Ireland who sat as a judge until quite modern times. It became a sinecure in the hands of Sir John Temple, who succeeded him, was held by the Duke of Leinster in 1789, and on his resignation was granted in co-partnership to the Earls of Glandore and Carysfort. Radcliffe, who was attorney-general of the northern presidency, was compensated for the loss of his English practice by a grant of £500 a year, and became the Lord Deputy's secretary. He preceded him to Ireland and prepared his way there. The rest of the Irish officials Wentworth treated as mere clerks. After a year and a half's experience on the spot he considered nothing 'more prejudicial to the good success of these affairs than their being understood aforehand by them here. So prejudicial I hold it indeed, that on my faith there is not a minister on this side who knows anything I either write or intend, excepting the Master of the Rolls and Sir George Radcliffe, for whose assistance in this government and comfort to myself amidst this generation I am not able sufficiently to pour forth my humble acknowledgments to his Majesty. Sure I were the most solitary man without them that ever served a king in such a place.'¹

Radcliffe retained the Lord Deputy's full confidence to the end. He was his chief adviser always, and his representative when away from Ireland; but it was found necessary after a time to appoint another secretary through whose hands most of the official correspondence passed. The person chosen was Philip Mainwaring, of a Cheshire family, but on pretty intimate terms with Wentworth, with whom he may

¹ Wentworth to Coke, August 3, 1633; to Lord Treasurer Weston, January 31, 1633-4, *Strafford Letters*; The King to Radcliffe, November 13, 1632 in State Papers, *Ireland*, and to the Lord Deputy, *ib.* May 17, 1633.

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have become acquainted from having sat in Parliament for Boroughbridge. He is wellknown from Vandyke's picture, where he looks up in astonishment or dismay at the angry face of the master who is dictating a despatch to him. Cottington for some reason thought Mainwaring a dangerous man to appoint, and while recommending him at Wentworth's request, declared that the latter would burn his fingers; but he became chief secretary in the summer of 1634, and remained in office until the outbreak of the civil war. Laud had a good opinion of him.¹

Sir George
Wentworth,
Lord
Dillon and
Adam
Loftus.

In matters of state Wentworth seems to have given his full confidence only to Wandesford and Radcliffe, but he got a good deal of help from his brother George, who married Frances Rushe of Castle Jordan in Westmeath. Amongst the natives of Ireland he chiefly trusted Robert, Lord Dillon, whose son James married his sister Elizabeth, and Adam Loftus of Rathfarnham, the Archbishop's grandson and cousin to the Chancellor, who supported his policy from the beginning.

Delay
about
Wentworth's
appointment,

If we are to believe the letter-writer Howell, who had dealings with Wentworth in the summer of 1629, the latter was then already talked of for the Irish viceroyalty. In the autumn of 1631 Weston more than once urged him to come to Court 'for some important occasions' not specified. Some of his friends thought there was a plan to ruin him by imposing the thankless Irish service, but he himself went no further than to hint that there were probably powerful people who would be glad to set him 'a little further off from treading on anything themselves desire.' The appointment did not take place until the beginning of 1632, but the King's intention had then been for some time known, and Wentworth may have occupied himself with Irish affairs long before the public announcement. Lord Wilmot, who was commander-in-chief as well as president of Connaught, wrote from Dublin to Cottington that the appointment was expected and freely discussed in Ireland. Wilmot thought

¹ Philip Mainwaring to Wentworth, October 29, 1630; Laud to Wentworth, March 11 and October 20, 1634; the King to Wentworth, June 16, 1634, in *Strafford Letters*.

his own long service might possibly have made him Lord Deputy, but things being as they were he was ready to give his best support to the man who had been preferred before him. He saw clearly that money would be a main object with Charles, and gave emphatic warning that it would not be safe to economise by reducing the army, consisting as it did of 2,000 foot and 400 horse distributed in companies of 50. 'Such as they are,' he said, 'they give countenance unto justice itself, and are the only comfort that the poor English undertakers live by, and at this hour the King's revenues are not timely brought in but by force of soldiers . . . out of long experience I have seen these people are ready to take the bit in their teeth upon all advantages, as any people living, although they pay for it, as many times they have done before, with all they are worth.' A little, he declared, might be done in Ireland even with a small army, but if he had the means to make a great display of force the King might do what he liked. Wilmot wished to leave Ireland, where there was little to look forward to, and he was soon to find that thirty years' laborious service was no valid title to royal favour.¹

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by which
the King
hopes to
make
money.

Wilmot's
warning.

When announcing the appointment of a new Deputy to the Lords Justices of Ireland, the King asked for a detailed account of the revenue and of the state of the army. He required them 'not to pass any pardons, offices, lands, or church livings, nor to confer the honour of knighthood upon any, or to dispose of any company of horse or foot there in the interim.' While waiting for the Deputy, they were to confine themselves to the administration of civil justice and the maintenance of military discipline. Wentworth wrote himself a few days later asking for information as to the state of Ireland. Sir William Parsons, with whom as well as with the Lords Justices he was quite unacquainted,

Conditions
of the
appoint-
ment.

Advice of
Parsons.

¹ Howell's *Letters*, July 1, 1629. Viscount Wilmot to Cottington, January 10, 1631-32; Weston to Wentworth, October 11, 1631; Wentworth to Sir E. Stanhope, October 25—all in *Strafford Letters*. The letter from Laud placed by Knowler at July 30, 1631, certainly belongs to 1632, when Wentworth was meditating his passage to Ireland (Laud's *Works*, vi. 300).

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The Lords
 Justices
 give
 offence.

Death of
 Sir John
 Eliot.

Deficiency
 of the
 revenue.

wisely advised him to do nothing until he crossed the channel and could see for himself. In the meantime he made arrangements with the King by which power was concentrated in his hands. To secure secrecy and promptness it was agreed that he should correspond on financial matters direct with the Lord Treasurer, and on general business direct with Secretary Coke, instead of with the Privy Council or any committee of it. The whole patronage, civil and ecclesiastical, was made to depend on the Lord Deputy, while grants of places in reversion were annulled for the past and forbidden for the future. No new office was to be created without the Deputy's advice, and it was promised that no Irish complaint should be entertained in England unless it had been made to him first. By direct orders from the King the Lords Justices were directed to pay no arrears or other debts, but to confine their expenses of government strictly to the current cost of the establishment. They nevertheless sanctioned payment of a large sum to Sir Francis Cook. Wentworth was highly indignant, but Cottington wrote that Mountnorris as Vice-Treasurer would probably refuse to pay the money out of an almost empty Exchequer. 'Your old dear friend Sir John Eliot,' he added, 'is very like to die.' He did die six weeks later in the unwholesome prison where he lay, as a consequence of adhering to the cause which the new Lord Deputy had deserted. Yet Wentworth seems to have been surprised at the abuse which his rather late found loyalty brought upon himself. He had bound himself hand and foot to the service of the magnanimous prince who had ordered that Sir John Eliot should be buried in the Tower, in the church of that parish where he died.¹

Wentworth was well inclined to take the advice given by Parsons, but there was one department of Irish affairs which would not wait, and that was the revenue. The Lords Justices announced that they would have to begin the

¹ The King to the Lords Justices, January 12, April 14, 1632; the Lord Deputy's Propositions, February 22; Wentworth to the Lords Justices, January 18, October 15; Sir W. Parsons to Wentworth, February 4; Lord Cottington to Wentworth, October 18; Wentworth to Weston, October 21—all in *Strafford Letters*.

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XI.Fines for
not going
to church.

financial year on April 1, 1632, with less than £14,000 still to be raised out of the £120,000 promised in 1628. This was not enough to pay the army till December, and they realised that it was impossible to decrease that force. They could suggest no better means of making the ends meet than by ruthlessly exacting the fines of one shilling a Sunday from the Irish Roman Catholics who refused to go to church. A worse kind of tax could scarcely be devised, but it was legal, and Wentworth had made no scruple of levying it in Yorkshire. He sent over a Roman Catholic agent to Ireland, who obtained a promise of £20,000 from his co-religionists on condition of escaping the Sunday dues for another year. This provided money for immediate necessities, but he had no idea of letting the Protestants escape. He told Cottington that it was safer to displease the minority than the majority, and grounded his action upon this. It is not surprising that he made enemies of the Protestants in the long run, and that he did not make friends of the Roman Catholics. Nor was he particularly anxious to conciliate the men with whom he would have to work in Ireland. Lord Mountnorris lingered at Chester on account of his wife's health, and Wentworth ordered him to go over at once and attend to his financial business. The letter is civil enough in form, but contains the scarcely-veiled threat that Mountnorris would be the sufferer if he were untrue to him or suspicious of him in any way. Considering that he himself evidently distrusted the Vice-Treasurer it was hardly wise to bid him send over £2,000 of the new Deputy's salary at once, 'for,' he said, 'I have entered fondly enough on a purchase in Yorkshire of £14,000, and the want of that would very foully disappoint me.' To the Lords Justices Wentworth was still more outspoken. They had disobeyed orders by keeping secret the King's letter of instructions which they had been ordered to publish, by ordering the payment of Sir Francis Cook's arrear, and by failing to send over a detailed statement of the Irish revenue. Wentworth said plainly that he would not allow such presumption in them as to 'evacuate his master's directions, nor contain himself

First
difference
with Lord
Mount-
norris.The Lords
Justices
reprimanded.

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XI.

Wentworth's journey delayed by pirates.

Radcliffe goes before with Lady Wentworth.

Audacity of the pirates,

who plunder the Lord Deputy's baggage.

in silence, seeing them before his face so slighted, or at least laid aside very little regarded.'¹

Wentworth intended to be in Ireland by Christmas 1632, but he did not go till more than six months later. One good reason for the delay was that the narrow seas were infested by pirates, though this did not prevent him from sending over his lately married third wife in January 1633. George Radcliffe escorted her and she lay hidden in the Castle for several months, which was considered most mysterious, and her identity was not disclosed until after her husband's arrival. The Irish Government feared further attacks by the Algerines upon Baltimore or some other defenceless place; but it was not only Algerines who threatened the coasts and plundered the shipping, and the Lords Justices declared that the Irish revenue could hardly bear the expense of two pinnaces called the 5th and 9th Whelps, which were assigned to them as a protecting force. One or more rovers frequented the Welsh coast, preying on the trade from Ireland, and carrying off men from the Isle of Man where there was no means of resistance. Another cruised about Youghal, while the *Pickpocket* of Dover lay off Dublin. Trade was at a stand, and the Irish customs made unproductive. 'The fear of being thought to linger unprofitably' in England induced Wentworth to send over most of his household goods in May 1633, and the plate escaped, but the *Pickpocket* took £500 worth of his linen. The same pirate drove a Dutch ship on shore close to Dublin, took out the cargo, and burnt her to the water's edge, the flames being visible from the Castle. 'The loss and misery,' said Wentworth, 'is not so great as the scorn that such a picking villain should dare to do these violences in the face of that state, and to pass away without control.' A notable pirate named Nutt had the impudence to send Wentworth word that he was ready to convoy him over. A powerful ship under an excellent seaman, Captain Richard Plumleigh, was provided after much delay, but she

¹ Wentworth to Cottington, October 1, 1632; to Lord Mountnorris, August 19; to the Lords Justices, October 15, *Strafford Letters*.

did not get out of the Medway till June, and it was July before Wentworth heard that the passage to Dublin was safe. He then hastened over, and lost no time in showing that King Stork had succeeded to King Log. Laud became Archbishop of Canterbury a few days later.¹

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A few days before the Lord Deputy's arrival Essex, accompanied by Lord Cromwell, landed some miles from Dublin, and was met by the Lords Justices and Lord Primate with all persons of quality about town. The streets were so crowded with spectators that the coaches could hardly pass, and an old Irish woman called out 'Blessed be the time that I live to see a son of thy father there.' When Wentworth appeared on July 23 the water was very rough, and he was probably not inclined to eat the dinner which Lord Howth had prepared for him. At all events he declined to land near the head, and came ashore close to Dublin, nearly opposite to where the Custom House now stands. He was unexpected, and not a gun was fired, but Lord Justice Cork was quickly on the spot with his coach, and the news spread fast. The Lord Deputy, with Lord Castlehaven, Sir John Borlase, Sir Francis Cook, and others started to walk, but Cork invited them all into his coach, and by the time they reached the Castle there was such a crowd that the drawbridge had to be raised behind them. Afterwards, Cork records in his diary, 'I having the precedency, the Lord Deputy brought me to my coach.' Next day was given to receiving visits, which were for the most part scrupulously returned, that of Essex the first, precedency as an Earl being granted him until the viceroy was sworn. Essex soon departed to his estate at Carrickmacross, but was back in London early in the following year, whence he wrote a letter of four lines thanking the Lord Deputy for his 'noble usage.' Wentworth replied very civilly in a letter of eight lines, but there appears to have been nothing like intimacy between

Essex in
Ireland.

Went-
worth
lands,

and is
welcomed
by Lord
Cork.

Visits of
ceremony.

¹ The Lords Justices to Wentworth, February 26, 1631-2; Wentworth to Lord Carlisle, May 20; to Weston, June 9; to Coke, August 3; Edward Christian to Wentworth, October 4, all in *Strafford Letters*. Captain Plumleigh to Nicholas, July 29, 1633, in *State Papers, Ireland*. *Court and Times*, ii. 189.

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the two. 'I visited both the Justices,' Wentworth wrote, 'at their own houses, which, albeit not formerly done by other Deputies, yet I conceived it was a duty I owed, being then but a private person, as also to show an example to others what would always become them to the supreme governor.'¹

Wentworth receives the sword, July 25, 1633.

At two o'clock on the third day Wentworth received the sword in the Council-chamber. The ceremony had generally been performed in Christchurch, but some said the Archbishop of Dublin would not let the Primate deliver his prepared sermon, or perhaps the Lord Deputy wished to avoid publicity. After a short discussion with some of the Council 'in his ear whispering like,' he decided to go in procession through the rooms of the Castle instead of slipping in quietly by the gallery, as he originally proposed. When the Council were seated the Lord Deputy remained standing, while Wandesford, as Master of the Rolls, read the commission; then Lord Mountnorris, as acting secretary (having it in reversion after Sir Dudley Norton, who may well be 'jubilayed') read the King's letter ordering the Lords Justices to deliver the sword, and explaining the reasons for the new governor's late arrival. When he had been sworn, Lord Chancellor Loftus spoke of the state in which he and his colleague left the government. No fresh debt, he said, had been contracted during their time of office, everything was quiet, and they were ready to advise their successor as to many desirable reforms. 'I for my part,' says Cork in his diary, 'did most willingly surrender the sword, the rather in regard the kingdom was yielded up in general peace and plenty.' Wentworth then took the chair, and with the sword in his hand made 'a very good speech.' He said he would be no upholder of factions, but would most esteem those who did most for the King's service. He had heard that there was

The Lord Chancellor's speech.

Wentworth's speech.

¹ Earl of Cork's Diary, 23-25 July, 1633, in *Lismore Papers*, 1st series, 'a most cursed man to all Ireland and to me in particular.' Wentworth's friendly visit on the 24th is noted. Newsletter from Walsingham Gresley for Lord Bristol's information in *Additional MSS.* 29, 587, f. 17. Wentworth to Coke, August 3, 1633; to Essex, April 13, 1634, in answer to his letter of February 18, *Strafford Letters*. Shirley's *Hist. of Monaghan*, 265.

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some discontent about two men having been drafted from each company in order to raise a troop for himself. He did not want one, he said, but the creation of a permanent guard for the viceroy had caused his delay in England. The men should be restored at the first vacancy, and he thought it very unfit that a departing Deputy should retain his company. 'Herein he touched the Lord of Falkland, who retained his.' Grandison had done the same, with continuous leave of absence. On the return journey the sword was carried by the Earl of Castlehaven, a knight having been thought good enough to bear it before the Lords Justices, who now brought up the rear. When he came before the cloth of estate, in the presence chamber, Wentworth halted and made 'two humble courtesies to the King's and Queen's picture which hang on each side, and fixing his eyes with much seriousness showed a kind of devotion.' He knighted his brother George, his cousin Danby, who was the husband of Wandesford's daughter, and a very young Mr. Remington, 'not of age, who hopes to save his wardship thereby, his father being very old and sickly.' On reaching the privy chamber, where Lady Wentworth stood with Lady Tyrconnel and others, he introduced the late Lords Justices to his wife, presenting her to be saluted with a kiss from each of them. . . who until that instant had no title or place given her here but that of Mistress Rhodes.¹

Wentworth makes obeisance to the King's picture.

'I find them in this place'—so runs Wentworth's first published letter from Dublin—'a company of men the most intent upon their own hands that ever I met with, and so as those speed, they consider other things at a very great distance.' Three weeks later he found the officials very sharp about their own interests, but 'with no edge at all for the

Wentworth's opinion of his Council.

¹ *Lismore Papers*, 1st series, iii. 203; Gresley's newsletter, *ut sup.*; Captain Plumleigh to Nicholas, July 29, 1633, in *State Papers, Ireland*; Radcliffe's statement in *Strafford Letters*, ii. 430. Wentworth had been privately married in the previous October to Elizabeth, daughter of Sir Godfrey Rhodes, only one year after his second wife's death. The shortness of the time may have been a reason for concealment, and once in Dublin it was evidently desirable that she should not become the centre of intrigue in her husband's absence.

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A Parlia-
ment pro-
posed to
provide
money.

Speech of
Went-
worth,
who finds
Parsons
'dry.'

public,' and all in league to keep the Deputy as much in the dark as possible. He determined from the first to trust no one but his friend Wandesford, who had just been made Master of the Rolls, and his secretary Radcliffe, who had been in Ireland since January, and who was made a Privy Councillor within a few weeks of his chief's arrival. To these was afterwards added Sir Philip Mainwaring, who owed his appointment to Wentworth and Laud jointly. On the day week after taking the reins of office Wentworth summoned the Council to consider how money might be raised for the payment of the army. The members of the Board were slow to begin the discussion, but Sir Adam Loftus of Rathfarnham at last proposed to continue the voluntary contribution for another year, and thus to provide the necessary funds until the end of 1634. At the same time he suggested a Parliament, not only for supply but for the settlement of disputed titles. Then there was another silence, and at last Wentworth called upon Parsons to give his opinion. The result was an expression of doubt as to the power of the Council to bind others, and a hint that the army might be provided for out of the King's ordinary revenue, which Wentworth found 'reduced to fee-farms' and therefore quite unelastic. 'I was then,' he said, 'put to my last refuge, which was plainly to declare that there was no necessity which induced me to take them to counsel in this business, for rather than fail in so necessary a duty to my master, I would undertake upon the peril of my head to make the King's army able to subsist, and to provide for itself amongst them without their help.' He had been but a week in Ireland, and was already talking about risking his head, which tends to show that Pym had really uttered the threat attributed to him, and that his old ally remembered it. The Chancellor, Cork, and Mountnorris thereupon agreed to the proposal of Loftus, and all, especially Cork, were eager for a Parliament. Wentworth, who had championed the Petition of Right, had so completely given himself to prerogative that he seems hardly to have realised that men might be very willing to pay a parliamentary tax, while shrinking from arbitrary exactions and from troops at

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free quarters. 'As for Sir William Parsons,' he said, 'first and last I found him the driest of all the company.' It was not Parsons, however, but Loftus, Cork, and Mountnorris who were destined to feel the weight of his hand, although they now received his thanks. The young Earl of Ormonde came next morning to the Lord Deputy, and for himself, his friends, and his tenants agreed to what had been done.¹

First
appear-
ance of
Ormonde.

Having thus provided money, Wentworth lost no time in looking closely into the state of the army upon which his government rested. There were but 2,000 foot and 400 horse, but Wilmot had solemnly warned the English Government that no revenue could be collected and no English settler subsist without their help. A larger force would do wonders if money could be found, but it was impossible to make any reduction. Discipline was very slack, officers having been in the habit of taking their duties lightly, and even of going to London without leave and staying there for an indefinite time. Before leaving England Wentworth procured a letter from the King checking such irregularities, and giving the Deputy power to cashier obstinate offenders. But Charles's own conduct was not calculated to support his viceroy's authority. It was the undoubted privilege of a Deputy to dispose of military commissions on the Irish establishment, and Wentworth had promised before he left England to give the first vacancy to Mr. Henry Percy, Lady Carlisle's brother. He had told the King of this promise, and Charles had made no objection. Nevertheless when Lord Falkland, whom Wentworth believed to be his enemy and detractor, died in September from the effects of an accident the King gave his company, which he had left in very bad order, to his second son Lorenzo, who was little more than a boy, though he had seen service abroad. Wentworth struggled hard, but was obliged to submit. Charles had the excuse of yielding to the prayer of a dying man, and he may have thought that Falkland had not been very well treated. His elder son had lost his place and suffered

Miserable
state of
the army.Case of
Lorenzo
Cary.

¹ Wentworth to Weston and Coke, August 3, 1633, in *Strafford Letters*, and to Carlisle, August 27, in vol. viii. of the *Camden Miscellany*, p. 5.

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Wentworth restores discipline.

An amateur general.

Improvement in arms.

imprisonment, and he actually held a patent for transmitting this command to the younger. Knowing that he kept his commission in spite of the Lord Deputy, Cary took little pains to please him, while Wentworth never ceased to resent his presence in the Irish army, and tried to get him transferred. He took care that neither Cary nor any one else should have a sinecure, where there was so much work to be done. The men were undrilled, their arms and armour defective, their horses of the worst kind. The captains left everything to their subalterns, while both officers and men were scattered about the country and seldom or never paraded. Every captain was now furnished with a paper describing the defects of his company, and he was ordered to make them right within six months on pains of severe punishment, and of being ultimately cashiered. Weekly field days were ordered, while two companies of foot and one troop of horse were to be always quartered in Dublin, but changed every month. Thus the whole army would be ready to march at any time, and would pass under the General's eyes at least once in two years. Wentworth showed a good example by putting his own troop into a thoroughly efficient state, sixty such men and horses as had not been seen in Dublin before. He trained them himself, said a letter-writer, 'on a large green near Dublin, clad in a black armour with a black horse and a black plume of feathers, though many there looked on him and on this action with other eyes than they did on the Lord Chichester, who had been bred a martial man.' Clarendon observes that, 'though not bred a soldier, he had been in armies, and besides being a very wise man had great courage and was martially inclined.' The artillery was in as bad order as other things, and Wentworth asked for Sir John Borlase, an experienced soldier, as master of the ordnance; and this appointment was made in due course. Steps were also taken to see that land-owners who were bound to furnish armed men or horses should have them actually available. The cavalry were armed for the first time with musket-bore carbines, and they were expected to fight on foot if required. Wentworth took steps to abolish the obsolete light pieces called calivers,

of which the bore varied. 'Muskets, bandileers, and rests' were substituted, and Borlase knew how to prevent swords worth less than four shillings from being rated at ten, and the purchase at 23s. of firearms which were worth nothing at all.¹

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The Church of Ireland was in no better case than the army, and Wentworth resolved to be guided by the new Archbishop of Canterbury. John Bramhall, whom Laud had recommended to Wentworth for a stall in York Minster, was now his chaplain, and was very soon given the rich archdeaconry of Meath. He became Bishop of Derry a few months later. Bramhall's first task was to make a general investigation into Irish church affairs, and to report on them to Laud, who had already begun to inform himself on the subject. A fortnight after Wentworth's arrival Bramhall had collected enough information to inform the Archbishop that it was 'hard to say whether the churches be the more ruinous and sordid, or the people irreverent.' One parish church in Dublin was the viceroy's stable, a second a nobleman's residence, and a third a tennis court where the vicar acted as keeper. The vaults under Christchurch were from end to end hired to Roman Catholic publicans, and the congregation above were poisoned with tobacco smoke and with the fumes of beer and wine. The communion table in the middle of the choir was 'made an ordinary seat for maids and apprentices.' The deanery was held by the English Archbishop of Tuam, and the state of the cathedral was an instructive comment on the prevailing system of pluralities. Passing from the churches to the clergy, Bramhall found 'the inferior sort of ministers below all degrees of contempt, in respect of their poverty and ignorance; the boundless heaping together of benefices by *commendams* and dispensations but too apparent; yea, even often by plain usurpation.'

Church
and State.
Bishop
Bramhall.

Bramhall
reports to
Laud.
A dismal
story.

¹ Wilmot to Cottington, January 10, 1631-2; the King to Wentworth, May 27, 1633; Wentworth to Coke, January 31, 1633-4. As to the King's excuse for appointing Cary, see Lord Carlisle to Wentworth, February 10, 1633-4, *Strafford Letters*. Third Report of *Hist. MSS. Comm.* 283, August 4, 1634. Clarendon's *Hist. of the Rebellion*, vol. i. p. 184 in Macray's edition.

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XI.Simony
and
pluralism.

Simoniacal contracts were common, the stipends reserved for the curates in charge being often as little as forty shillings and seldom as much as ten pounds. One bishop was reported to hold twenty-three benefices with cure. Few thought it worth while to ask for less than three vicarages at once. No one knew what livings were in the Deputy's gift, and even some whole bishoprics were left out of the book of first fruits. Leases of church lands had been made at trifling rents, and this practice was general in spite of prohibitions by the Government. 'It is some comfort,' Bramhall grimly adds, 'to see the Romish ecclesiastics cannot laugh at us, who come behind none in point of disunion and scandal.'¹

The Boyle
tomb in
St.
Patrick's.

The Earl of Cork held a good deal of what had once been church land. Wentworth had long been hostile to him, as appears abundantly from his letters, and his zeal for the restitution of temporalities was in this case sharpened by personal dislike. The Earl was rich and powerful, and the Deputy was impatient of any influence independent of his own. Lady Cork died in February 1630, and was buried in St. Patrick's Cathedral with her father, Sir Geoffrey Fenton, and her grandfather, Lord Chancellor Weston, in a vault under the place where the high altar had formerly stood. Her husband then purchased that part of the church from Dean Culme for 30*l.*, and proceeded to raise an immense monument of black marble in the pseudo-classical style then in fashion. The position of this monument did not strike him as odd, for his Protestantism was not of the Laudian type, and it seemed natural to him that the communion-table should stand detached in the middle of the church. He told Laud that he had been a benefactor rather than a defacer of St. Patrick's: 'Where there was but an earthen floor at the upper end of the chancel, which was often overflowed, I raised the same three steps higher, making the stairs of hewn stone, and paving the same throughout, whereon the communion table now stands very dry and gracefully.' Both Ussher

Lord Cork
as a
benefactor.

¹ Laud to Wentworth, July 30, 1631, in *Strafford Letters*; Bramhall to Laud, August 10, 1633, in the Oxford ed. of Bramhall's *Works*, i. lxxix.

and Bulkeley,' wrote Laud, 'justify that the tomb stands not in the place of the altar, and that it is a great ornament to that church, so far from being any inconvenience. . . . I confess I am not satisfied with what they say, yet it is hard for me that am absent to cross directly the report of two Archbishops.' The Lord Treasurer was inclined to resent the attack on his kinsman's tomb, and Laud warned his ally against the danger of making enemies. But Wentworth pressed the matter on Charles's own notice, and procured from him full powers to a commission consisting of the Lord Deputy, the two archbishops, four other bishops chosen by Wentworth, and the deans and chapters of the two Dublin cathedrals. The commissioners held, very rightly no doubt, that the tomb was ill-placed, and Cork, who had more important interests at stake, was too prudent to contest the matter. By the following spring the monument had been taken down stone by stone, and Wentworth reported with vindictive glee that it was 'put up in boxes, as if it were marchpanes and banqueting stuffs, going down to the christening of my young master in the country.' It was re-erected on the south side of the choir, where it still stands, and the story is important only for the light it throws on Wentworth's other dealings with Lord Cork, and with all others who opposed him.¹

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Laud is
puzzled,

but Went-
worth has
no doubts.

The
monument
is shifted.

The south-west coasts, both of England and Ireland, were infested with pirates from Saltee and Algiers. In June 1631 a rover of 300 tons with 24 guns and 200 men and another of 100 tons with 12 guns and 80 men lay between the Land's End and the Irish coast. Their commander was Matthew Rice, who is called a Dutch renegade. Rice sunk two French ships and one from Dartmouth, taking the crews on board as well as everything that was worth keeping.

Algerine
pirates.

¹ Mason's *Hist. of St. Patrick's*; Budgell's *Memoirs of the Boyles*; Laud to Wentworth, November 15, 1633, March 11, 1633-4; Wentworth to Laud, August 23, 1634, March 10, 1634-5, in *Strafford Letters*. The King's letter is in *Lismore Papers*, 2nd series, iii. 194. Elrington's *Life of Ussher*, p. 159.

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Sack of
Baltimore,
June 19,
1630.

Two days later he caught a Dungarvan fishing smack and ordered the skipper, John Hackett, to pilot them into Kinsale. Hackett said there was a fort and a man of war there, and offered to take them to Baltimore instead. The castle of the O'Driscolls still stands there, but the inhabitants at that time were English Protestants, which caused its selection as a parliamentary borough, and Hackett may not have disliked the service ; but Fawlett, the Dartmouth captain, also helped the Algerines, and was not carried off by them finally. During the night of June 19, Rice having first explored the harbour in boats with muffled oars, attacked the town with the first morning light, plundered about sixty houses and took away 107 persons. The attack was so sudden that there was little fighting, and only two of the townsmen were killed. Rice had forty other prisoners of various nations. Captain Hook, who was at Kinsale with a King's ship, which want of provisions kept generally in port, put to sea as soon as he heard the news, but the Algerines got clean away. Hackett, who was allowed to go ashore, was hanged at Cork for his share in the business, and his body exposed on the headland at the mouth of Baltimore harbour ; but the little settlement never recovered its prosperity. The Saltee rovers long continued to infest the south-west coast, for the Crown was weak and the jealousy of the Admiralty officials prevented the maritime population from protecting themselves. The French, whom Wentworth called 'most Christian Turks,' allowed English prisoners to be led in chains across France and shipped from Marseilles to Algiers. Five years after the Baltimore disaster these pirates entered Cork harbour, and carried off prisoners in open day. Lord Conway, who was serving in the fleet a few months later, wrote to Wentworth : ' When I come home, I will make a proposition to go with some ships to Saltee, the place whence the pirates come into Ireland ; and I do firmly believe they may be brought to render all their prisoners, and never to trouble us more : the like peradventure might be done by Algier, but our King cannot do it alone.' A successful expedition went to Saltee a year later under Captain Rainsborough, and some captives from Ireland

Weakness
of the
Admiralty.
Christian
Turks.

were surrendered, after which the rovers ceased to be troublesome.¹

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After the defence of the Irish seas was entrusted to Plunleigh and James, the Algerines found the Welsh or Cornish coasts safer for their purpose. But English pirates were not wanting, and Edward Christian, governor of the Isle of Man under Lord Derby, seems to have had an understanding with some of them. Wentworth's chief trouble was with privateers who issued from St. Sebastian with Spanish letters of marque or commissions against the Dutch, but who did not confine their depredations to them. Men were murdered in the Isle of Man, a French ship was boarded at sea, and honest traders of all nations were afraid to stir. There was always one squadron on the Irish coast, another returning, and another refitting. Dutch ships were seized in the Shannon, in the Liffey, and in Belfast Lough; a breach of the law of nations which the captains excused to their own crews by pretending a licence from the King of England to 'pull the Hollanders by the ears out of every port.' Wentworth, on the other hand, maintained that the whole of St. George's Channel 'being encompassed on every side with his Majesty's dominions, hath ever been held the chief of his harbours.' Nicolalde, the resident Spanish agent in London, not only gave commissions to buccaneers of English birth, but interceded for them when they became obnoxious to their own government. Wentworth had a bad opinion of Nicolalde, but he humoured him, and made proposals for trade between Ireland and Spain. The English Admiralty were induced to grant the Lord Deputy a vice-admiral's commission for Munster,

Pirates
of many
nations.

The whole
Irish coast
infested by
them.

Went-
worth frees
the Irish
seas, 1637

¹ The documents concerning Baltimore are printed in Caulfield's *Council Book of Kinsale*, xxxiii. Smith's *Hist. of Cork*. Cal. of State Papers, Ireland, 1631, No. 1973. Conway to Wentworth, July 14, 1636, in *Strafford Letters*. *Court and Times*, ii. 253, 259, 265. The Baltimore of 1630 did not occupy the same ground as the modern fishing village, but ran inland from O'Driscoll's castle. Thomas Davis wrote a fine ballad on the sack of Baltimore:

High upon a gallows tree, a yelling wretch is seen,
'Tis Hackett of Dungarvan—he, who steered the Algerine!
He fell amid a sullen shout, with scarce a passing prayer,
For he had slain the kith and kin of many a hundred there.

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while Plumleigh and James continued to scour the narrow seas. Thus by a mixture of force and diplomacy, piracy was put down for the time, and on August 15, 1637, Wentworth was able to announce to Coke that there was 'not so much as the rumour of Turk, St. Sebastian's men, or Dunkirker—the merchant inward and outwards secured and assured in his trade.'¹

¹ *Strafford Letters, passim*, from 1633 to 1637; see particularly Plumleigh's letter of October 11, 1633.

CHAPTER XII

THE PARLIAMENT OF 1634

WENTWORTH was determined that his government, and especially his army, should not depend upon benefactions extorted from the fears of the Protestants and bought by dispensations or promises from the Recusants. The officials of his Council were in favour of a Parliament, which they might expect to manage, and which he, on the other hand, felt confident in his ability to rule. People in Ireland had an idea that it was safer to keep the revenue short, because a surplus would be sent to England, whereas a deficit would have to be supplied from thence. This short-sighted policy seemed wise to English settlers as well as to the natives, for they had all good reason to distrust the King. The result had been that the business of government was ill done, and that the Crown owed 80,000*l*. The ordinary revenue, when there was no parliamentary subsidy or voluntary assessment, fell 20,000*l*. short of the expenses. The Lord Deputy's brother George was sent to England on a special mission in February, and came back next month with the King's leave to hold a Parliament. Charles had cause to dread these assemblies, but Wentworth pointed out that Poynings' law made them safe in Ireland. The order of business and the introduction of Bills being controlled by the English Government, an enterprising viceroy might be trusted to manage the rest. Wentworth's plan was to have two sessions, one for supply, the other for redress of grievances. He believed that the landowners would willingly agree to a money vote in order to relieve themselves from the ever-present dread of having the existing contributions established like quit-rents on their estates. And all in Ireland realised that they could expect no redress of grievances

A Parlia-
ment to be
held.

Want of
money.

The King
reluctant
to call a
Parlia-
ment.

Hopes of
Went-
worth,

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who pro-
poses to
hold the
balance
between
parties.

without having first provided for the support of the Government and army. Charles accepted the proposed arrangement, but advised that it should be kept secret until the time came. The next matter of importance was the composition of the House of Commons. Wentworth resolved that the Protestant and Roman Catholic parties should be nearly balanced. The Protestant party might be slightly the larger, but its subservience was to be secured by procuring the election of many placemen. Wentworth hoped to get three subsidies of 30,000*l.* each payable in three years. This would yield 30,000*l.* over and above current expenses, and with that much ready money he hoped to compound for the whole debt, public creditors having been reduced to a proper state of humility. A little more money might be hoped for after the second session, and with this it might be possible to buy up some of the pensions and rent-charges with which the Irish Exchequer was burdened.¹

Went-
worth's
speech to
his
Council,
April, 1634.

Every-
thing
belongs to
Cæsar.

Having been allowed to hold a Parliament and to do it in his own way, Wentworth at once set to work to make it a success. He summoned his Council, who thought supply should be accompanied by some assurance from the King that grievances would be remedied. They also wished to limit the levies to the actual expenses, having a well-founded fear that surplus money would be squandered in England, and not applied to the liquidation of the Irish debt. Wentworth at once told them that the King called a Parliament because he preferred standing on the ancient ways, that he had absolute right and power to collect all the revenue he required without the consent of anybody, and that their business as councillors was to trust their sovereign without asking questions. 'I told them plainly,' he said, 'I feared they began at the wrong end, thus consulting what might please the people in a Parliament, when it would better become a Privy Councillor to consider what might please the King, and

¹ Wentworth to Charles I., January 22, 1633-34, enclosing his opinion concerning a Parliament, with the King's answers dated April 12; Wentworth to the Lord Marshal (Arundel), March 22, 1633-34—all in *Strafford Letters*.

induce him to call one.' He would not take less than three subsidies of 30,000*l.* each, but would get as much more as possible without conditions, and they were not to propose any. The State could not be too well provided. 'What,' he asked prophetically, 'if the natives should rebel? There was no great wisdom to be over-confident in them, being of a contrary religion and so great in number.' And he concluded by asking them to take warning by the troubles which the Commons' distrust of their King had brought upon the late Parliaments in England. When this was read at the English Council Cottington could not refrain from the obvious comment 'et quorum pars magna fui.' Wentworth owed his own political position to his exertions in favour of the Petition of Right, and now he said that everything the subject had was, and ought to be, at the disposition of the Crown. That Laud should have joked with his friend on this subject and that the latter should have taken it as a joke, is not the least extraordinary thing in Wentworth's career. 'As for that hydra,' said Charles of the House of Commons, 'take good heed; for you know that here I have found it as well cunning as malicious. Your grounds are well laid and I have great trust in your care and judgment; yet my opinion is, that it will not be the worse for my service, though their obstinacy make you break them.'¹

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Opinions
in
England.

Charles
on the
parlia-
mentary
hydra.

Wentworth's speech to his Council, which less earnest people in England thought a superfluous display of strength, reduced that body to complete subjection. He would allow no discussions anywhere about the King's policy, and he treated the Roman Catholic nobility in the same way as the Protestant Council. The Lord Chancellor ventured to suggest that the Lords of the Pale should be consulted according to precedent, but he was 'silenced by a direct and round answer.' Three or four days later Lord Fingall came to the Castle and asked for information on the part of his friends and neighbours, 'who had been accustomed to be consulted before those meetings.' Wentworth, who seems to have

Went-
worth and
the Irish
nobility,

¹ The King to Wentworth, April 17, 1634; Wentworth to Coke, April 29 and May 13; Laud to Wentworth, May 14, all in *Strafford Letters*.

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whom he
treats with
contempt.

disliked the man as well as his communication, told him that his Majesty would 'reject with scorn and disdain' any advice their lordships could give. Their business was only to hear the King's will in open Parliament, to make such remarks there as might be fitting for obedient subjects, and to be content with such answers as his Majesty thought fit to give. 'A little out of countenance' from the storm of vice-regal eloquence, Lord Fingall unluckily remarked that he only wished to draw attention to precedents, and that Falkland had consulted the lords. Wentworth said that was no rule for him, and advised his visitor 'not to busy his thoughts with matters of that nature, but to leave all to the royal wisdom.'¹

How a
Govern-
ment
majority
was
secured

As long as there was a Parliament in Ireland the Government generally found means to secure a majority. Wentworth had to depend chiefly on the boroughs, for many counties were not amenable to pressure. Lord Cork has recorded that when he was in his coach one day with Lord Esmond and Lord Digby a pursuivant brought him six letters from the Lord Deputy directing the return of certain members for places he controlled. Sir George Wentworth, the viceroy's brother, was to sit for Bandon, his secretaries Mainwaring and Little for Lismore, a second Mainwaring for Dingle, and other less prominent Englishmen for Askeaton and Tallow. Wentworth and William and Philip Mainwaring were elected accordingly, while Little procured a seat at Cashel. Every important man whom the Lord Deputy could influence found his way into the House of Commons. Sir William Parsons sat for the county and Sir George Radcliffe for the city of Armagh, Charles Price for Belfast, and Sir Adam Loftus for Newborough in Wexford. Sir Beverley Newcomen, a distinguished naval officer, represented Tralee, and Wandesford the borough of Kildare. Sir Charles Coote, Sir William Cole, Sir Robert King, and many others who were well known a few years later, also had seats. It was on the Protestants that the Crown depended in the long run, but they had not a large majority. 'The priests and Jesuits,' Went-

¹ Wentworth to Coke, May 13, 1634, *Strafford Letters*.

worth wrote, 'are very busy in the election of knights and burgesses, call the people to their masses, and there charge them on pain of excommunication to give their voices to no Protestant.' A sheriff in Dublin who seemed inclined to yield to these influences was fined 700*l.* and declared incapable of serving, and his successor promptly returned Sergeant Catelin and a Protestant alderman.¹

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Clerical
influence.

In matters of form and ceremony Wentworth was willing to be guided by precedents. He found all the officials very ignorant about parliamentary order, as Falkland's blunder had already shown, and he sent to England for full instructions. Questions of precedence being left by special commission entirely in his hands, the primacy of Armagh over Dublin was settled by an order in Council, and in the established Church this point was never again disputed, a decision which was undoubtedly right; but Archbishop Talbot afterwards attributed it to the slavish fears of Wentworth's Council, to his leaning in favour of Ussher, and to the prevalent ignorance of Latin in high places. He admitted that Bishop Leslie of Raphoe was learned, but then was he not a suffragan of Armagh? Wentworth decided such questions when they came in his way, but they had little interest for him—'this matter of place I have ever judged a womanly thing.' If it had turned out that he could not determine between the rival claims of peers and prelates, they would, he thought be 'fit to keep the House itself busied about,' and prevent them from talking politics. It was arranged that six or seven lords on whom the Lord Deputy could rely should hold four or five proxies each, so that he was in no danger of being outvoted, for the bishops were safe enough. It was not until 1661 that the number of proxies which could be held by any one peer was reduced to two. The committee for privileges in Wentworth's House of Lords proposed that every peer having Irish honours but no Irish estate should be obliged to purchase land in proportion to his rank, but this was never carried into effect. When the day of meeting came, Wentworth accompanied the Peers

Parliamentary
precedents.

The
primacy
secured to
Armagh.

Political
value of
etiquette.

¹ Earl of Cork's Diary at May 30, 1634, in vol. iv. of *Lismore Papers*, 1st series. Wentworth to Coke, June 24, *Strafford Letters*.

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The
opening
cere-
monies.

Went-
worth and
Ormonde.

The case
of Lord
Slane.

Went-
worth's
speech.

to St. Patrick's Cathedral in great state. His Parliament opened, Wentworth wrote, 'with the greatest civility and splendour Ireland ever saw, where appeared a very gallant nobility far above that I expected . . . my Lord Primate made a very excellent and learned sermon.' The afternoon was spent in formalities and the taking of oaths. One incident at the beginning of the business session is worth recording on account of the great celebrity of the person principally concerned. Orders had been given to admit no one armed into either House, and when the young Earl of Ormonde, who had carried the sword of state at the opening ceremony, presented himself, Black Rod peremptorily demanded his weapon. 'In your guts,' was the contemptuous answer. Ormonde sat armed during the day, and when summoned before the Council, produced his writ of summons which ordered him to attend 'girt with a sword.' Wentworth had met his match for the first time, and he held a private consultation with his two chief advisers as to what was to be done with this formidable young man. Wandesford was for crushing him, but Radcliffe advised conciliation, and Ormonde became a Privy Councillor at the early age of twenty-four.¹

Among the sixty-six lords present at the beginning of this session was William Lord Slane, who was allowed to sit and vote pending the possible reappearance of his elder brother Thomas, who had been tried by a jury in England for murder committed in Ireland, had become a friar, and had not been heard of for fourteen years. This precedent was afterwards relied on in Lord Maguire's case as establishing the principle that an Irish peer was a commoner in England.²

On the second day Wentworth made a speech to both Houses, in what he calls his mildest manner; but it was not

¹ The primacy of Armagh was practically settled on this occasion, but the Roman Catholics still agitated the question for some time. The controversy is exhausted in Archbishop Hugh MacMahon's *Jus Primatiale Armachanum*, published in 1728. Carte's *Ormonde*, i. 64. Wentworth to Coke, May 13, June 24, August 18, 1634. The order of proceeding, with the roll of the Lords, is given in the *Strafford Letters* after the last date, and in the journals.

² *Irish Lords Journals*, July 14 and 15, 1634.

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very mild. He told them that there was a debt of 100,000*l.* and an annual deficit of 20,000*l.* What they had to do was simply to clear off the debt and to provide a permanent equilibrium between receipts and expenditure, so that the necessary maintenance of the army might no longer trouble his Majesty's princely thoughts. That would be the King's session. Later on they would have a session of their own, where the King would grant all the favours he thought proper, and where they were to accept his gifts with confidence and gratitude, and without asking for more. 'Take heed,' he said, 'of private meetings and consults in your chambers, by design and privy aforehand to contrive, how to discourse and carry the public affairs when you come into the Houses. For besides that they are themselves unlawful, and punishable in a grievous measure, I never knew them in all my experience to do any good to the public or to any particular man; I have often known them do much harm.' With a Deputy who knew his own mind, a session strictly limited by the King's orders to three weeks, and no opportunity for private consultation, the House of Commons was almost powerless. Wentworth's instinct and the experience of 1613 told him that the chief danger would come from the Roman Catholics, whom he had taken care should form nearly one half of the Lower House. He told them that if adequate supplies were withheld there would be no way of paying the army but 'by levying the twelvecence a Sunday upon the Recusants.' The King wished to make no distinction between English and Irish, but if it came to a fight the predominant partner would take care not to be beaten. The first trial of strength was about the choice of a Speaker. The official candidate was Sergeant Catelin, recorder of Dublin and member for the city, against whom there were many mutterings; but the House was told that the King had a veto upon every election, and that it would be steadily exercised until the right man was chosen. Wentworth's nominee became Speaker without a contest, and expressed himself to his patron's satisfaction. He was knighted at the end of the Parliament, and received 1,600*l.* for his services. A copy of what purported to be

Private
consulta-
tions
forbidden.The
Recusants
threat-
ened.Election of
Speaker.

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the Viceroy's speech was shown by Cottington before its delivery; but this was probably a hoax, for Wentworth declared that it had not been written down beforehand. Cottington had Wentworth's own account of his harangue to the Irish Council, and the speech to Parliament was little more than a repetition of it.¹

Attempt to
purge the
Commons.

On the fourth day of the Session the House of Commons met for business and the Roman Catholics at once demanded that the House should be purged, that is that all members should be expelled who did not inhabit the districts represented by them. This would have been fatal to the Protestant party, which comprised many official persons living in Dublin, and it had been decided in 1613 that residence was not essential. On the other hand Sir Thomas Bramston, who as sovereign of Belfast had returned himself, was declared not duly elected and ordered to refund 16*l.* which he had received as wages. These payments were fixed as in 1613, at 18*s.* 4*d.* a day for counties, 10*s.* for cities, and 6*s.* 8*d.* for boroughs. A committee for privileges was appointed and the Protestants carried the nomination of it by a majority of eight. Seeing that power lay with the party who were certain in the long run to support the Government, Wentworth summoned his Council the same day and Chief Baron Bolton proposed to go on with supply the next morning. He was supported, of course, by Wandesford, Mainwaring, and Radcliffe; but Wilmot, Parsons and St. Leger, the president of Munster, were inclined for a later day. Wentworth then spoke in favour of the bolder and prompter course. The committee, he said, could not possibly increase the Protestant majority, and might have the contrary effect. The Roman Catholics would be anxious to secure the rewards of loyalty by voting for what they could not prevent. His real fear, though he did not say this openly, was lest time should be given for the formation of parties. Wilmot, whom he sus-

Supply is
demanded
at once,

¹ Wentworth to Coke, August 18, 1634. The Lord Deputy's speech in *Strafford Letters*, i. 286, is not entered in the Journals of Parliament. Wentworth to Cottington, *ib.* August 22; to Laud, *ib.* August 23, State Papers, Ireland, February 23, 1641.

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pected of intriguing with members of the House of Commons, said he retained his opinion in favour of delay, but that it was useless for any one to speak after the Lord Deputy. The Chancellor then declared himself on the side of power, saying that he should have been for prompt action even if Wentworth had taken the opposite view. After a lecture from the Viceroy on their duty to the King, the Council broke up, and next morning Wandesford proposed a resolution to give six subsidies 'to be levied in a parliamentary way in four years,' two in the first and second years, and one each in the third and fourth. Some of the Recusant party, finding themselves in a temporary majority, at once moved to postpone the vote until the House had been purged, and carried it by twenty-eight. But this was recognised as being what is nowadays called a snap division, and when the original motion was nevertheless put both parties feared to lose their credit with the Government. The Roman Catholics, having made their protest, supported Wandesford's motion, which passed unanimously, and all was over before noon. The rest of this session, said the Lord Deputy compendiously, 'we have entertained and spun them out in discourses, but kept them nevertheless from concluding anything. No other laws passed but the two Acts of subsidies, and that other short law for confirming all such compositions as are or shall be made upon the commission of defective titles.' The Government was strengthened by a difference of opinion between the two Houses, which prevented a joint petition in favour of the graces. The Commons claimed the right to sit covered at a conference; this was denied them, no conference took place, and the petition forwarded was in the name of the Lower House only. Wentworth took no trouble to reconcile the two chambers, having learnt in England that a strict understanding between them was not favourable to the Crown. The Lords were, however, quite as anxious for the graces as the elected chamber, and especially for that which promised that sixty years possession should be a good title against the Crown. Indeed, Lord Fingall and Lord Ranelagh were more perseveringly outspoken than any member of the House

and six
subsidies
are voted.

The
session is
talked out.

The two
Houses at
variance.

The
demand
for a
prescrip-
tive title to
land.

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XII.

Wentworth is refused an earldom.

of Commons. The first, as the head of an ancient family with a very chequered history, who had been treated with scant civility by Wentworth, and the latter, as the son of Archbishop Jones, had doubtless many reasons to fear an inquisition into their titles.¹

Conscious of having done great service Wentworth asked the King for an earldom, taking precautions that no one should know he had done so. His suit was refused in a rather disagreeable letter, and much indignation has been expressed by many writers, but it is questionable whether this refusal should be added to the load of blame which Charles I. must bear. Wentworth was only forty-one, he had opposed the court until his thirty-sixth year, and he had already received a viscounty and two of the greatest places in the gift of the Crown. Burghley never became an earl. Both Cranfield and Weston had to serve much longer for the coveted honour, and neither of them had ever been in opposition. In later times not only earls but marquesses and dukes have been multiplied exceedingly, and it seems a small favour that Charles refused to a great man. Thousands of people now know something about Strafford who have scarcely heard of Cottington or Windebank, but this was not so at the time. Indeed the fact that his work was chiefly done in the North and in Ireland made him less prominent in the eyes of his contemporaries than inferior men who were always about the Court.²

Debate on the graces

The Lords had discussed the graces, and had ventured to suggest what laws should be passed to carry out the remedial policy foreshadowed by them. The debates had no conclusion, but Wentworth protested even against talk as an infringement of Poynings' Act. According to him they had no business to do anything more than offer humble prayers to the Lord Deputy; and that was the course adopted by the Commons.

¹ Wentworth to Coke, August 18, 1634. *Irish Statutes*, 10 Car. I., session 2. Parliament was prorogued on August 2, on account of the harvest and circuits. The Subsidy Bill was read a third time and sent to the Lords on July 26, *Irish Commons Journals*.

² Wentworth's letter to the King is dated September 20, and the answer October 23, *Strafford Letters*.

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XII.Petition
of the
Commons.The King's
promise as
to titles.Free Trade
demanded.

The petition begins by reciting that titles in Ireland were generally uncertain, many documents having been lost or stolen during rude and disturbed times, and others being defective through the ignorance of those who drew or engrossed them; 'whereof divers indigent persons, with eagle eyes piercing thereinto commonly took advantage to the utter overthrow of many noble and deserving persons, that for the valuable consideration of service unto the Crown, or money, or both, honourably and fairly acquired their estates, which is the principal cause of the slow improving planting and building in this land.' While this uncertainty existed no one had the courage to make improvements, and everyone longed for the English law of James I., which made sixty years possession a good title even against the Crown. This grace, the Commons said, had been 'particularly promised by his Majesty, approved by both the Councils of State of England and Ireland, and published in all the Irish counties at the assizes, and was most expected of all the other graces.' They also protested, though in very guarded language, against the common law being overridden by the Council and the Star Chamber. Next to the security of real property the most important matter was the encouragement of trade and manufactures, for want of which Ireland swarmed with 'vagabonds and beggars, sound of limb and strong of body.' Free trade was what they really asked for, which was for the benefit of both King and people. On the faith of the graces which they believed would give them prosperity, the subjects of Ireland had already given 310,000*l.* and now they had voted six subsidies more, which was far in excess of what had been done in past ages. They acknowledged Wentworth's 'strong propension' to advancing the good of the country, and exhorted him to increase his reputation by persuading his Majesty to redeem past promises and thus to 'conserve a right intelligence between the best of Kings and his most faithful and dutiful subjects of Ireland.'¹

Wentworth's answer was what might have been expected.

Commons of Ireland to the Lord Deputy, in *Strafford Letters*, i. 310. The Lord Deputy's Protestation, *ib.* 290.

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XII.

The King's
promises
are not
kept.

The King
can do no
wrong.

Proroga-
tion
August 2.
Second
session,
Nov. 4.

Official extortion he was ready to repress, and all administrative reforms he would further to the utmost, but rather by way of concession from the King than by law. Orders in Council were to be preferred to Acts of Parliament, unless the latter were likely to bring profit to the Exchequer. Nothing was to be done to limit the royal power in any way. The much-desired sixty years' title was not to be established by law, for it would involve the loss of fees and fines under the commission for confirmation of defective titles, it would interfere with the King's profit upon tenures, and it would almost entirely prevent the colonisation schemes from which Wentworth expected so much. These ideas were readily adopted at Court, and the word of a King was once more shown to be of none effect. Wentworth dreaded the imputation of refusing to redress grievances after the price of reform had been paid, but hardly seems to have realised that he was doing that very thing. He had the courage of his opinions, and he knew his 'great master' as he is fond of calling Charles. 'In these particulars,' he said, 'wherein the request of the petition shall be yielded to by your Majesty, we desire to reserve entirely to yourself the beauty of the act, and the acknowledgment thereof; so in the other particulars, wherein there is reason to deny them their requests, we your servants will assume the same to ourselves.' The Chancellor, Lord Cork, and Sir William Parsons lent the weight of their signatures to Wentworth's memorandum, but the name of Mountnorris is wanting. Rumours that the graces would be withheld were soon in circulation, and on November 4, after a three months' recess, Parliament met again in very bad humour. There had been some delay in transmitting final instructions from England, and it was not till the 27th that Wentworth announced the denial of the most important graces. In the House of Commons the Roman Catholics, through the negligence or secret sympathy of some Protestants, found themselves in a majority upon that day, and at once broke into open revolt. They rejected every Bill presented to them, though some were evidently useful and harmless, and business was at a standstill.

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XII.

The
Commons
are un-
manage-
able.

Sir Piers
Crosbie.

'Had it continued two days in that state,' said Wentworth, 'I had certainly adjourned the House, advertised over, and craven his Majesty's judgment.' For a moment the lead of the Opposition was assumed by Sir Piers Crosbie, member for the Queen's County, a Protestant and a Privy Councillor, and here Wentworth saw his opportunity. He summoned the Council, and easily persuaded them to suspend Crosbie, and he afterwards had instructions from England to expel him altogether. He then went to the House of Lords. 'I told them,' he said, 'what a shame it was for the Protestant party, that were in number the greater, to suffer their religion to be insensibly supplanted, his Majesty in some degree disregarded, the good ordinances transmitted for their future peace and good government to be thus disdainfully trodden under foot by a company of wilful, insolent people, envious both to their religion and to their peace, and all this for want of a few days' diligent attendance upon the service of the public.'

He urged each peer to exert his influence with friends in the House of Commons; this was done, and a working majority was again secured. Among the wilful insolent people was Geoffrey Baron, member for Clonmel, 'a young man, a kind of petty chapman's son, who by peddling left him some 200*l.* a year,' who opposed everything and who recklessly misstated facts. Wentworth determined to make an example of him, and the motion for his expulsion was carried by sixteen. After this things went smoothly, and all the Government Bills were passed into law.¹

Wentworth
rallies the
Protestant
majority.

Expulsion
of Geoffrey
Baron.

Soon after the beginning of the second session both Houses were much excited by a letter of Sir Vincent Gookin, an enterprising English settler who had much property in the county of Cork. It was addressed to the Lord Deputy, though never delivered to him, and it is doubtful whether it was printed or not. In any case it was freely circulated in Munster, and a copy of it read out in the House of Commons.

Sir Vincent
Gookin's
case.

¹ Parliament met November 4, 1634, and was prorogued December 15. The graces, with the advice of the Lord Deputy and Council, October 6, Wentworth to Coke, December 16, *Strafford Letters*.

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An im-
peachment
threatened.

Judicial
functions
of Parlia-
ment.

Gookin
on the
English
settlers.

It was, says Wentworth, a most bitter invective against the whole nation, natives, old English, new English, Papist, Protestant, captains, soldiers and all . . . it was evident they would have hanged him if they could. The libel indeed is wondrous foul and scandalous.' An impeachment was threatened, and the two Houses had a conference, where Lord Mountnorris pointed out that the House of Commons had no power to administer an oath, but that the Lords would examine their witnesses and give sentence even in the delinquent's absence. The judges were consulted, and declared that his land could not be seized as security for his appearance. Mountnorris said nothing about the Deputy and Council, and Wentworth, to prevent the assumption of judicial authority by Parliament, had already sent a pursuivant to arrest Gookin, who made haste to get out of Ireland, where his life was hardly safe. Wentworth in person informed Parliament that the principle of Poynings' Act extended to judicial as well as to legislative functions, and that moreover the case was already in his hands. He observed that the King had no reason to be pleased with the exercise of parliamentary jurisdiction in England, and having always an eye to revenue, he added that Sir Vincent, who was a very rich man, was well able to bear a fine great in proportion to his offence. Early in the following year Gookin was brought back from England and imprisoned in the Castle, and Wentworth received the thanks of Parliament with a request that he would continue the prosecution, which the English Government left in his hands. It does not appear whether this was done, but Gookin, who paid 1,000*l.* a year to labourers and fishermen in the neighbourhood of Bandon, and who had thirty years' experience of Ireland, came into frequent collision with Lord Cork, which was likely to make Wentworth lenient. Gookin was a strong Protestant, who hated the Irish and their priests, and was quite willing to be hated by them in return, but he thought the English Irish even worse. It might have been different if the settlers could have been kept to themselves, but as it was the English influence had a constant tendency to grow weaker. 'As soon as any Englishman cometh over

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and settleth himself in this country and hath gotten any estate, he findeth himself environed with the Irish, and hath no safety both for himself and posterity but by some way to stick themselves by marriage and gossiping or the like.' Gookin died some four years later, and his son, who played a considerable part during the Commonwealth, took a somewhat different view of the country.¹

Another incident occurred during this same session which is important only as an illustration of Wentworth's high-handed methods. Sir John Dongan having made a speech unpleasing to the official party in the House of Commons, Captain Charles Price remarked in a loud tone that he did not know what he was doing. An altercation followed which Dongan evidently tried to avoid, for he said he meant no harm. Price then called him saucy, and Sir John very naturally gave him the lie. All this happened inside the bar of the House of Commons, yet the Council took the case up. Dongan was imprisoned in the Castle, forced to give a written apology, fined, and ordered to be brought by the constable of the Castle to the bar of the House and to repeat his submission there upon his knees. This was carried out to the letter a few days later, and entered in the journals, without comment. A committee of six was appointed to wait on the Lord Deputy and beg him to remit the penalty for offending the King, the offence to Parliament and to the Lord Deputy having been already purged. Price was employed by Wentworth as an agent at Court, for which purpose he had very long leave from his military duties. We may judge from a letter of Lord Keeper Coventry what sort of man he was. 'Your servant, Captain Price, is now with us, and I assure you is not silent in anything that concerns your honour, and in truth serves you with his tongue and protests he will not fail to do it with his sword. I hope your lordship hath no need of the latter in Ireland, and your friends here

Wentworth's regard for privilege of Parliament.

Submissiveness of the Commons.

A parliamentary bravo.

¹ Wentworth to Coke, December 16, 1634; Coke to Wentworth, March 25, 1635, *Strafford Letters*. *Lords' Journals*, November 25, 1634, April 6 and 15, 1635. Gookin's letter is calendared among State Papers, *Ireland*, under 1633, p. 181 (Addenda): it was not written until after Wentworth's arrival, late in July.

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XII.

Assess-
ment of
the sub-
sidies.

are well pleased to hear how he lays about him with the former, and therefore it is hoped you will yet spare him from his garrison till he have done here what is meet to be done.¹

No subsidy had hitherto yielded more than about 30,000*l.*, but there had been many exemptions and many cases of fraud whereby the great transferred their share of the burden to the poor. Wentworth succeeded in raising each subsidy to rather more than 40,000*l.* from the Commons, with over 6,000*l.* from the nobility, and 3,000*l.* from the clergy. The two last sums were to be levied by the Government, but the House of Commons, fearing lest the Deputy should be tempted to take even more than had been agreed upon, themselves assessed the amount which their constituents were to pay in each county. Leinster was set down for 13,000*l.*, Ulster for 10,000*l.*, Munster for 11,200*l.*, and Connaught for 6,800*l.* The highest rated county was Cork, which with the city paid nearly 4,000*l.* Dublin city and county were assessed at 1,000*l.* apiece. The House of Commons also inquired into arrears due by the Crown, and these they found amounted to about 130,000*l.* They recommended that certain sums due to the Archbishop of Dublin, the Bishop of Meath, and the Dean of Christchurch should be paid at once in full. The next to be satisfied were ladies, the attainder of whose husbands or fathers had enriched the Crown; Lady Desmond and her daughters, Lady Mary O'Dogherty, and Lady Mary O'Reilly being mentioned by name. Arrears of pay due to civil or military officers were to be satisfied in proportion to the actual benefit derived from their services, sinecurists being left in the lurch, and all useless places recommended to be abolished. When the work of the Parliament was done, Wentworth wished to prorogue it. 'This House,' he said, 'is very well composed; so as the Protestants are the major part, clearly and thoroughly with the King, which would be difficult to compass

Wentworth wishes to keep his Parliament together,

¹ *Irish Commons Journals*, November 4 and 15, 1634. The act of Council condemning Dongan was signed by George Shirley, Wandesford, Mainwaring, Sir Charles Coote, Sir J. Erskine, and Adam Loftus. Coventry to Wentworth, December 24, 1635, and the answer, March 1, 1636, announcing a further leave of six months to Price, *Strafford Letters*; Wentworth to Price, February 14, 1636, in *State Papers, Ireland*.

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again, if you were now to call another.' He thought that the existence of this obedient majority would serve to overawe the Roman Catholics; who alone were dangerous, and who would be deterred from opposing schemes of colonisation by the knowledge that the English recusancy laws might be passed over their heads at any moment. But Charles was of opinion that Parliaments 'are of the nature of cats, they ever grow curst with age,' and directed Wentworth to dissolve as soon as the necessary business was done. Coke had intercepted a large budget of letters between the Irish Recusants and their French friends, and he had no doubt that as soon as there was danger either from Spain or France 'all would join together to replant themselves at home.' Wentworth thought a Parliament well in hand would be a useful instrument to have ready, but he was not allowed to keep it. The royal consent was given to a number of Acts, and the subsidy arrangements being complete, the two Houses had little to do except to squabble about matters of etiquette, and were dissolved without settling them. 'We have now,' Wentworth wrote, 'under the conduct of our prudent and excellent master, concluded this Parliament, with an universal contentment, as I take it.' He thought it had done more than all former Parliaments put together, both for King, Church and subject, and that Charles was 'more absolute master by his wisdom,' than his predecessors had ever been by the sword.¹

but the King insists on a dissolution.

Parliament dissolved, April 18, 1635.

'Proctors in the Convocation House' are officially mentioned in Henry VIII.'s time, but the first regular Convocation of the Irish Church was held in connection with the Parliament of 1613. It was summoned by the King's writ, and met in St. Patrick's Cathedral on May 24 in that year. It consisted of the bishops and of representatives from the

Meeting of Convocation, 1613-1615.

¹ Wentworth to Coke, December 16, 1634, with the King's answer of January 22; Coke to Wentworth, January 21; Wentworth to Coke, April 7, 1635; the Commons of Ireland to the Lord Deputy, April 1, in *Strafford Letters*, i. 408; *Irish Commons Journal*, March 20, 1634-5; Wentworth to the Earl of Danby, April 21, 1635. There were two short sessions between January 26 and April 18, the date of dissolution. At the beginning a good many days were lost by the non-arrival of Bills from England.

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XII.

The
Hundred
and Four
Articles.

Character
of the
Irish
Articles.

The
Thirty-
nine
Articles
are
adopted,
1684,

but with-
out repeal-
ing the
others.

four provincial synods. Lord Chancellor Jones as Archbishop of Dublin presided in the Upper, and Randolph Barlow, afterwards Archbishop of Tuam, in the Lower House; both were Cambridge men. The principal business of this assembly was to pass the Articles, one hundred and four in number, which are generally attributed to James Ussher, then professor of divinity in Dublin. Ussher's Puritanism was more pronounced in his earlier days than afterwards, and James was less hostile to that school than he later became. These Articles, which superseded those of 1566, received the royal assent, though they practically incorporated those promulgated at Lambeth in 1595. They were more Calvinistic and more polemical than the thirty-nine received by the Church of England upon which Burnet, in the interest of peace and comprehension, expended his latitudinarian casuistry. It may suffice to note that of the Irish Articles the twelfth declares that 'God hath predestinated some unto life and reprobated some unto death: of both which there is a certain number, known only to God, which can neither be increased nor diminished'; and the eightieth that the Pope is 'that man of sin foretold in the Holy Scriptures whom the Lord shall consume, &c.' In 1615 this Convocation granted one subsidy to the King.¹

Convocation met at the same time as Parliament, Ussher presiding in the Upper and Henry Leslie Dean, and afterwards Bishop, of Down in the Lower House. Wentworth's 'thorough' extended to Church as well as to State, and his great object was to have the Thirty-nine Articles established. Ussher and others were attached to the Irish Articles of 1615, and the Lord Deputy thought it prudent to leave them unrepealed while superseding them in practice, a course in which Laud acquiesced. 'I was,' says Bramhall, now Bishop of Derry, 'the only man employed from him to the Convocation, and from the Convocation to him.' Wentworth had, however, private discussions with Ussher, and of these

¹ Mant's *Irish Church*, 121; Ball's *Reformed Church of Ireland*, 108; Cal. of State Papers, *Ireland*, April 28, 1615. The Irish Articles of 1566 and 1615 are printed as an appendix of Elrington's *Life of Ussher*, *Works*, i. xxxv.

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XII.

Bramhall may have known nothing. The 'dovelike simplicity' of the Primate, to use Bramhall's phrase, was easily borne down by the imperious viceroy, and the House of Bishops adopted the English Articles readily enough, as well as the canon which directed their use. The Lower House appointed a Committee, over which George Andrews, Dean of Limerick, presided, whose draft report excited Wentworth's wrath, for it provided among other things that the Articles of 1615 should be received on pain of excommunication. The Lord Deputy sent for Andrews and called him Ananias, impounded his papers, and forbade him to report anything to the House. He then wrote to the prolocutor Leslie, enclosing a form of canon drawn up by himself, after rejecting one composed by Ussher, and ordered him to put it to the House 'without admitting any debate or other discourse.' The Articles of the Church of England were not to be disputed, and the names of those who voted aye and no were to be sent to him. This drastic procedure succeeded, and there was but one dissentient. As a formal concession to the independence of the Irish Church, the canons agreed upon were not quite identical with those of England, but the first, which established the Thirty-nine Articles, effected all that Wentworth wanted. It provided that 'if any hereafter shall affirm that any of those Articles are in any part superstitious or erroneous, or such as he may not with a good conscience subscribe unto, let him be excommunicated, and not absolved before he make a public revocation of his error.' Ussher and Bramhall are agreed that the Articles of 1615 were not abrogated, but the latter informs us that any bishop 'would have been called to an account' who had required subscription to them after the English Articles were authorised under the Great Seal of Ireland.¹

How
Wentworth
treated
Convoca-
tion.

Non-sub-
scribers to
be excom-
municated.

The veteran diplomatist Sir Thomas Roe was so much struck by Wentworth's success that he advised the unfortunate

¹ Wentworth to Laud, August 23 and December 16, 1634, and Laud's answer of October 20, in *Strafford Letters*; Wentworth's letter to Leslie, December 10, 1634, is in Laud's *Works*, vii. 98; Ussher to Dr. Ward, September 15, 1635, in his *Works*, xvi. 9; Bramhall's account of the proceedings, written some years later, is in his *Works*, v. 80.

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XII.

Wentworth and the Queen of Bohemia.

Unpopularity of Laud.

Queen of Bohemia to make him her friend. 'He is severe abroad and in business, and sweet in private conversation, retired in his friendships but very firm, a terrible judge, and a strong enemy; a servant violently zealous in his master's ends, and not negligent of his own; one that will have what he will, and though of great reason, he can make his will greater when it may serve him; affecting glory by a seeming contempt; one that cannot stay long in the middle region of fortune, but *entreprenant*; but will either be the greatest man in England or much less than he is; lastly one that may—and his nature lies fit for it, for he is ambitious to do what others will not—do your Majesty very great service if you can make him.' Laud had been misrepresented, and he also might be very useful. Elizabeth took Roe's advice, and afterwards corresponded pretty often with the Lord Deputy, whom she had never seen. Her great object was to get some provision made for the poor ministers who were driven out of the Palatinate. 'As for Laud,' she said, 'I am glad you commend him so much, for there are but a few who do it.'¹

¹ Sir Thomas Roe to the Queen of Bohemia, December 10, 1634, from London, and her answer from the Hague, February $\frac{1}{2}$, 1635, in State Papers, *Domestic*. Roe contemplated a visit to Ireland about this time, but does not seem to have made it; see Wentworth's letter to him of September 1, 1634.

CHAPTER XIII

STRAFFORD AND THE ULSTER SCOTS

THE Scottish settlers in Ulster gave trouble from the first, for crossing the sea did not change their nature, nor their religious opinions. When Presbyterianism was oppressed at home, Ireland received its ministers ; when persecution came there, they could go back to Scotland. Always glad to promote his own countrymen, James I. appointed them to Irish bishoprics ; they in their turn ordained others, often without much inquiry as to their views on Church government. Andrew Knox, who was Bishop of Raphoe from 1611 to 1633, was not over particular about the regularity of orders, and many Presbyterians were preferred by him. ‘Old Bishop Knox,’ says Adair, ‘refused no honest man, having heard him preach. By this chink John Livingston and sundry others got entrance.’ Knox died about the time of Wentworth’s coming to Ireland, and up to that time another Scotch bishop, Robert Echlin of Down, followed in his footsteps. Livingston had been silenced by Spottiswood in Scotland, but brought recommendations from eminent laymen, and Knox told him he thought his own life had been prolonged only to do such offices as ordination. He did not care about being called my Lord, and he allowed the imposition of hands to be by presbyters in his presence. He gave Livingston the book of ordination, desiring him to draw a line through any words to which he objected. ‘I found,’ says the latter, ‘that it had been so marked by some others before that I needed not mark anything ; so the Lord was pleased to carry that business far beyond anything that I had thought or ever desired. This was in 1630. Seven years before Echlin had done a like service for Robert Blair, acting only as one of several

Rise of a
Presby-
terian com-
munity in
Ulster.

Two
tolerant
bishops.

CHAP.
XIII.

Extension
of Laud's
system to
Ireland.

Went-
worth,
Laud, and
Bramhall,
1684.

A con-
ference
where no
one is con-
verted,
1686.

Bramhall's
rhetoric.

presbyters. 'This,' says Blair, 'I could not refuse, and so the matter was performed.' Knox was succeeded by John Leslie, and Echlin by Henry Leslie, neither of whom was much inclined to make terms with Presbyterianism. The Laudian canons had altered the position for them, and later on the Covenant made the breach irreparable.¹

In May 1634 Bramhall became Bishop of Derry in succession to Downham, who had been a strong Calvinist and a friend of Presbyterians. He was soon in correspondence with Wentworth, who encouraged him to insist on strict conformity, and with Laud, whose confidence he enjoyed throughout. Very many of the Scotch ministers were driven back to their own country, there to swell the growing discontent and to prepare the way for the lay crowds whom Wentworth's later policy was to drive out of Ulster. Bramhall did not confine himself to his own diocese, but gave his services to Down also, where Echlin was driven to enforce conformity without much conviction on his own part. Henry Leslie succeeded on Echlin's death, and a conference was held at Belfast on August 11, 1636, between the two bishops and five Presbyterians who refused to subscribe the new canons. Among them was Edward Brice, who is regarded as the founder of that church in Ulster. Their spokesman was James Hamilton, Lord Claneboy's nephew, who had been ordained by Echlin ten years before. Both sides were no doubt satisfied that they were wholly in the right, but Bramhall was more extreme even than Leslie, who as bishop of the diocese of course conducted the controversy. According to the Bishop of Derry, who intervened frequently, Hamilton was a prattling Jack, a fellow fit to be whipped, who might worship the devil if he pleased. He prescribed hellebore to purge the Scot's brain, reminding him with a bold metaphor that the weight of Church and State did not hang 'upon the Atlas shoulders of such bullrushes' as he was; and he blamed Leslie, not without something like a threat, for allowing so much liberty of discussion. The five ministers were

¹ Adair's *True Narrative*, 26; Mant's *Church of Ireland*, 457; Blair's statement in Reid's *Presbyterian Church*, i. 103.

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XIII.Silenced
ministers
go to
Scotland.

sentenced to perpetual silence so far as the diocese of Down was concerned. Outward conformity was for a time achieved, but only by the temporary effacement of the Scotch colony in Ulster. Brice did not long survive the Belfast conference, but Hamilton, Cunningham, Ridge and Colwort all retired to Scotland. Among other ministers silenced by Leslie the most noteworthy were John Livingston and Robert Blair, both of whom went to Scotland and helped materially to defeat Laud. They had attempted to lead about 140 of the faithful to New England, but were beaten back by storms from a point nearer to the banks of Newfoundland than to any place in Europe. 'That which grieved us most,' says Livingston, 'was that we were like to be a mocking to the wicked; but we found the contrary, that the prelates and their followers were much dismayed, and feared at our return.'¹

Ussher submitted against his inclination to Wentworth and Laud. Some years later, when they were both prisoners, Bramhall, who was in the same position, thought it necessary to apologise to his metropolitan for interfering in the diocese of Down, his defence being that he was employed by the Lord Deputy. 'Since I was Bishop,' he added, 'I never displaced any man in my diocese, but Mr. Noble for professed popery, Mr. Hugh for confessed simony, and Mr. Dunkine, an illiterate curate, for refusing to pray for his Majesty.' But if he was tolerably mild as a bishop, he was much less so when acting as Wentworth's representative. Archibald Adair, a Scotchman by birth, was made Dean of Raphoe in 1622, and became Bishop of Killala in 1630. He was a good Episcopalian, but a good Scot also, and he did not like to see Canterbury lording it over his native land. In 1639 John Corbet, minister of Bonhill, was deprived by the General Assembly for refusing the covenant or for adhering to episcopacy, and he fled to Dublin, where he published a bitter pamphlet against his enemies at home. He was presented by Strafford to the vicarage of Strade in Adair's diocese,

Bramhall
was Went-
worth's
instru-
ment.Case of
Bishop
Adair

¹ Wentworth to Bramhall, September 12, 1634, in *Raundon Papers*; Report of the Belfast conference in Reid's *Presbyterian Church*, i. 195 and Appx. iv; Livingston's narrative, *ib.* 204-6.

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XIII.

Bishop
John
Maxwell.

but found the bishop by no means friendly. It was, he said, an ill bird that fouled its own nest, and a raven (corbie) which had been driven from the ark could expect no resting place with him. For these and other expressions, which were thought favourable to the Covenanters, Adair was summoned before the High Commission, but deprivation might not have followed on such slight grounds had not the bishopric been wanted for someone else. This was John Maxwell, Bishop of Ross, Spottiswood's friend and executor, who had been Laud's most active ally in Scotland. 'The satisfaction of the Bishop of Ross,' Wentworth wrote to the King, 'shall be the only thing I shall attend in the next place, and have found even already the means to effect it by depriving, and that deservedly, the Bishop of Killala and substituting the other in his place. This is one of the best bishoprics in the kingdom, worth at least one thousand pounds a year.' And he thought this was a good way 'to quench the venom of that rebellious humour.' Charles and Laud were of the same opinion, and but little independence was to be expected from the Irish High Commission. Bedell, however, with whom it seems Chappell agreed, was against the deprivation, partly on canonical grounds and partly because it was 'as times and things now stood inconvenient. He prevailed nothing; the Bishop was sentenced to be deprived of his bishopric, deposed or degraded, fined 1,000*l.*, imprisoned during the King's pleasure, &c. Soon after the meeting of Strafford's last Parliament a bishop, possibly Bedell, moved that Adair should have his writ of summons. Ormonde spoke against it, and Bramhall declared that the deprived prelate was 'fit to be thrown into the sea in a sack, not to see sun, nor enjoy the air.' Lord Ranelagh said there had been a patient hearing at the High Commission, where many of their lordships' House sat, who found Adair 'guilty of favouring that wicked Covenant which all the House detests,' and the writ was unanimously refused. The Court wind changed when Strafford was dead and Laud a prisoner, and Adair was made Bishop of Waterford. Maxwell succeeding him at Killala was stripped, wounded, and left for dead by the rebels during the massacre

Depriva-
tion of
Adair.

at Shrule, but escaped ultimately to England. Corbet was not so fortunate, being 'hewn in pieces by two swineherds in the very arms of his poor wife.'¹

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XIII.

Clarendon, who hated the Scots and did not love Strafford, says 'he had an enemy more terrible than all the others and like to be more fatal, the whole Scotch nation, provoked by the declaration he had procured of Ireland and some high carriage and expressions of his against them in that kingdom.' The Ulster colony had been injured by the Londonderry forfeiture, and he had done what he could to discourage further immigration, but it was not until the summer of 1638 that the attitude of the Scotch settlers began to give him serious uneasiness. Antrim, who was at Court and in communication both with Hamilton and Laud, believed or professed to believe that Lorne, who became Earl of Argyll soon after, intended to attack his estates, and suggested that the King should provide him with plenty of arms 'to be kept in a store-house in Coleraine, because it would be too far for me and my tenants to send to Knockfergus, if there were any sudden invasion.' Lorne knew what was going on at Court,

The Scots
hate
Went-
worth.

¹ Bramhall to Ussher, April 26, 1641, in his *Works*, i. xc; *Liber Munerum*, v. 113; Carte's *Ormonde*, i. 96; Wentworth to the King, September 2, 1639 (from Dublin) in *Strafford Letters*, and to Radcliffe, September 23 (from Covent Garden), in Whitaker's *Radcliffe*, 182; Bedell to Ward, April 23, 1640; in *Two Biographies*, 365; *Irish Lords' Journal*, March 31, 1640; Hickson's *Irish Massacres*, ii. 6-8. Corbet's 'Ungirding of the Scottish Armour' was licensed in Dublin. May 6, 1639, by Edward Parry, afterwards Bishop of Killaloe, on behalf of the Archbishop of Dublin. It is in the form of a dialogue between Covenanter and anti-Covenanter. The dedication of six pages to Wentworth contains some strong language about the 'fiery zealous faction' dominant in Scotland. 'The best of them is as a briar; the most upright is a thorn hedge; they do evil with both hands earnestly, hunting every man his brother with a net. They are gone in the way of Cain, etc.' Corbet's much better known *Lysimachus Nicanor*, dated January 1, 1640 (n.s.) was probably printed in Dublin, but has no printer's name and no imprimatur. He is believed to have had assistance both from Bramhall and Maxwell. Baillie (*Letters*, i. 243) wrongly attributes it to Henry Leslie, and calls the author 'a mad scenic railer.' It purports to be the letter of a Jesuit, who congratulates the Scots on their approach to the views of the Society concerning resistance to kings. See the article on Corbet in *Dict. of Nat. Biography*. I have used the copies of the two tracts preserved in the Cashel Library with MS. notes by Foy, afterwards Bishop of Waterford.

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XIII.

English,
Scotch,
and Irish
in Ulster.

The
Scottish
Covenant,
1638.

Went-
worth's
plan to
bridle
Scotland.

and announced in Scotland that Antrim intended to invade him. It appears from his late letters that Strafford thought Lorne not unlikely to come, but he knew well that his Council would advise nothing that might strengthen Tyrone's grandson. And in case the troubles of Scotland were to extend to Ulster, he thought it very likely that the settlers there would borrow the arms to help their countrymen. 'They are,' he added 'shrewd children, not much won by courtship, especially from a Roman Catholic.' He had but 2,000 foot and 600 horse, none of which could be spared for Scotland, but it might be possible to raise double that force of English and Irish. The latter disliked the Scots and their religion, but might be a source of danger in other ways. In the meantime he told Northumberland, the best part of the Irish army might be drawn down into Ulster, close upon Scotland, 'as well to amuse those upon that side as to contain their countrymen among us in due obedience.'¹

That Strafford was generally hated by the Scotch is, indeed, abundantly proved by the record of his trial, when their commissioners denounced him as 'the firebrand that still smoked' after the cold shower-bath of the Ripon treaty. The quarrel was of much older date, originating with Wentworth's espousal of the Laudian policy and his steady repression of everything that savoured of Presbyterianism, but it was not until after the promulgation of the Scottish Covenant at the beginning of March 1638 that the question became a national one. He kept himself well informed, and read all public documents, but it was not until the end of July that he first gave his opinion to Northumberland, and then in strict confidence. Armed collision with the Scots should be avoided as long as possible unless they crossed the border, which did not yet seem likely. Berwick and Carlisle should be made thoroughly defensible, and as President of the North he could prepare an armed force, particularly in Yorkshire.

¹ Clarendon's *History*, ii. 101; *Strafford Letters* in July 1638, ii. 184-194, and Wentworth's answer to Laud, dated August 7; Baillie's *Letters* i, 93.

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He thought Leith, which he had formerly visited, might easily be seized in the spring, and maintained with the help of the fleet and a garrison of 8,000 or 10,000 men. 'I should hope,' he added, 'his Majesty might instantly give his law to Edinburgh, and not long after to the whole kingdom, which though it should all succeed, yet at the charge of that kingdom would I uphold my garrison at Leith, till they had received our Common Prayer Book, used in our churches of England without any alteration, the bishops settled peaceably in their jurisdiction; nay perchance till I had conformed that kingdom in all, as well for the temporal as ecclesiastical affairs, wholly to the government and laws of England; and Scotland governed by the King and Council of England in a great part, at least as we are here.' Later on he drew attention to the importance of securing Dumbarton, but in both cases the Covenanters forestalled him. Then as now a brisk trade existed between Ulster and Scotland, and the colonists naturally demanded terms as favourable as were granted to the mother country, with which they were in thorough sympathy. The first lay Covenanter who felt the weight of Wentworth's hand seems to have been Robert Adair, Laird of Kilhill in Galloway, who had an estate of 400*l.* or 500*l.* a year at Ballymena, where he was a Justice of the Peace. Adair, who was the Bishop of Killala's nephew, had taken an active part against Charles and Laud in Scotland, and made no secret of having signed the Covenant. Henry Leslie, Bishop of Down, who was himself a Scotchman, reported the case to Wentworth, who advised him to 'inquire out the names of all others that have danced after the same pipe, as also of all such as profess themselves Covenanters, and send them hither to me; in the rest of your proceedings, your lordship shall not be so much as once touched upon, or heard of.' Adair retired to Scotland, and lived securely at Kilhill, but he was declared a traitor in Ireland, and his estate forfeited. In November 1641, when Strafford was dead and the Ulster rebellion begun, Charles, at the unanimous request of the Scottish Parliament, reversed the sentence passed upon

Case of
Robert
Adair.

An inquisi-
torial
policy.

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XIII.The Black
Oath, 1639.

Adair for having 'adjoined himself to his own native country, and he recovered his Irish property.'¹

Before the end of 1638 the Scotch Covenanters were thoroughly aware that Wentworth was their most important enemy. He sent a clever young officer to Edinburgh to report upon the doings there, 'and this gentleman,' he wrote, 'tells me that the whole nation universally hates me most extremely, and threaten some personal mischief unto me.' Ensign Willoughby pretended to Rothes that he was a Dutchman, and the Earl answered that Holland was well governed and that Scotland also could do very well without a king. Next day Alexander Leslie was present and said Ireland would certainly be invaded if the King came to blows with his Scottish subjects—a threat which Leslie himself carried out, but not while Strafford lived. Wentworth proposed, and Charles agreed with alacrity, if, indeed, he did not himself make the first suggestion, that the Covenant should be met by a new and very stringent oath binding the Scots of Ulster not only to obey the King, but not even to protest against any command of his, and to renounce all covenants or associations not ordered by him. This is still remembered in Ulster as the Black Oath, and it is evidently inconsistent with all modern ideas of liberty. The manner of imposing it matched the matter, and we know the details from the evidence of an unwilling witness who proved in after life that he was as strong a royalist as even Scotland has produced. Charles himself proposed that means should be taken to procure a petition repudiating the Covenant and in favour of the new oath, and his plan was strictly carried out. Wentworth summoned such of the leading Northern Scots as he thought could be trusted to meet him in Dublin on April 27. Lord Montgomery, who was the chief of them, caught cold on the journey and desired to be excused; but the Lord Deputy, whether he believed in the cold or not, would not be so put off, and adjourned the meeting to his lordship's lodgings.

The King
procures a
petition
against the
Covenant.

¹ *Rushworth*, viii, 672; Wentworth to Northumberland, July 30, 1638, to the Bishop of Down, October 4, and the Bishop's two letters of September 22 and October 18; Reid's *Presbyterian Church*, i. 294.

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The two Leslie's, Bishops of Raphoe and of Down, took the lead, and the former drew up a petition which some of the laymen thought hasty. In the words of the oath Wentworth would allow no alteration, saying that it had been well considered; but in the petition offering the subscribers' services to the King he admitted the qualification 'in equal manner and measure with other his Majesty's faithful and loyal subjects of this kingdom.' For the rest, the petitioners declared their belief that the Covenant had been imposed upon great numbers of their nation by the tyranny of the dominant faction. The fiery bishop who drafted the petition thought it much too mild, and the oath itself so mean as not to be worth taking. To one speaker, who thought a little more deliberation would be advisable, the Lord Deputy answered: 'Sir James Montgomery, you may go home and petition or not petition if you will, but if you do not, or who doth not, shall do worse.' The petitioners were then summoned to the Council Board, and the Lord Deputy himself administered the oath to them two or three at a time.¹

Wentworth's threats.

The petition was signed by Lords Montgomery and Clandeboyne, by the two Leslie's, and by James Spottiswood, Bishop of Clogher, who was brother to the Archbishop of St. Andrews, and had himself declined the Scottish primacy several years before. Of the thirty-six commoners whose signatures follow the majority were clergymen, and at least two of them became bishops after the Restoration. It is quite evident from what followed that they represented only a very small part of the Scottish population of Ulster. The petition and oath were proclaimed by the Lord Deputy and Council, including Ussher and Bulkeley. The oath was

Severe measures in Ulster.

¹ Wentworth to Windebank, January 6, 1638-9; examination of Ensign William Willoughby, January 9, in *Strafford Letters*; the King to Wentworth, January 16 in *Rushworth*, viii. 504; Sir James Montgomery's evidence, *ib.* 490. On February 27 Laud wrote to Wentworth (*Works*, vii. 526), 'I showed his Majesty your other letter sent on purpose to show, and he was much taken with your project to have the Scotch there take an oath of abjuration of their abominable covenant.' The text of the Black Oath is in *Rushworth*, viii. 494, in *Strafford Letters*, ii. 345; in Reid's *Presbyterian Church*, i. 247 n.; and in Cal. of State Papers, *Ireland*, at September 7. 1639.

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XIII.

General
objection
to the
Black
Oath.

made obligatory on all persons of the Scottish nation of the age of sixteen years and upwards, who inhabit and have any estate whatsoever in any houses, lands, tenements or hereditaments within this kingdom of Ireland,' and local commissions were issued for the enforcement of the order. If there is any ambiguity in the words quoted it is clear that servants as well as owners of property were in practice held liable. Three peers, Clandeboye, Montgomery, and Chichester, sat as commissioners at Bangor in Down, and the former, who was acting against the grain, reported progress to Wentworth. The Lord Deputy believed there would be general and ready obedience to this, as to his past orders in Ireland; but Clandeboye reported that great numbers fled at his approach, and especially servants, that their masters are doubtful to find sufficient to reap their corn.' He believed that the chief obstructor was 'Mr. John Bole, the preacher of Killileagh, the old blind man that was once with your lordship,' but he abstained from arresting any clergyman, 'especially a preacher,' without direct orders from the viceroy. These orders were given at once, and the old blind minister was sent up to Dublin in charge of a pursuivant. He had already been forced to take the oath on his knees with a crowd of others, but not before time had been given to preach a sermon in which the Presbyterians were not obscurely compared to Daniel, and Wentworth to the ministers of Darius. Under such circumstances the parable would be remembered, and the backsliding easily forgiven. George Rawdon was so busy 'swearing all the Scotch men and women' in Down that he could not go to Dublin for law business, and Mr. Spencer, another magistrate in his neighbourhood, 'despised the employment exceedingly.' Numbers took the oath unwillingly, but numbers also took to the woods and mountains, leaving their corn uncut, their cattle untended, and their houses unprotected, and a great many fled to Scotland, where Bramhall was short-sighted enough to think they could do but little harm. He had himself prepared the ground by first depriving and expelling the Ulster ministers, whom Archbishop Spottiswood called 'the common incen-

Many
Presby-
terians flee
to the
mountains,
or to
Scotland.

diaries of rebellion, preaching what and where they please.' Among the refugees was one English gentleman, Fulk Ellis of Carrickfergus, who commanded over a hundred of them at Newburn. The expenses of this contingent were paid by subscription, 'having no parish in Scotland to provide for them. . . . One, Margaret James, the wife of William Scott, a maltman, who had fled out of Ireland, and were but in a mean condition, gave seven twenty-two shilling sterling pieces, and one eleven pound piece. When the day after I inquired at her how she came to give so much she answered, "I was gathering and had laid up this to be part of a portion to a young daughter I had, and as the Lord hath lately been pleased to take my daughter to Himself, I thought I would give Him her portion also."' Wentworth, who thought there were at least 100,000 Scots in the North, concentrated all the troops in Ulster and Leinster at Carrickfergus, which was enough to prevent anything like an insurrection. He insisted that the oath should be taken by all Scots without exception, except those who professed themselves Roman Catholics. Is it wonderful that the Scotch thirsted for his blood, or that he was believed, however untruly, to favour the religion of Rome? ¹

The only exemptions from taking the oath.

'We are,' said Baillie, 'content with our advantage that my Lord Deputy permits to go out under his patronage that desperate doctrine of absolute submission to princes; that notwithstanding all our laws, yet our whole estate may no more oppose the prince's deed, if he should play all the pranks of Nero, than the poorest slave at Constantinople may resist the tyranny of the Great Turk.' In Down and

A 'desperate doctrine.'

¹ Evidence at Strafford's trial, in *Rushworth*, viii. 490-494. The Act of State with the petition, oath, and proclamation in *Strafford Letters*, ii. 343. Lord Clandeboy's letters, August 23 and September 2, *ib.* Narrative of John Livingston quoted in Reid's *Presbyterian Church*, i. 257. Livingston was at this time minister of Stranraer, which was naturally full of refugees from Ulster. Robert Baillie talks of the 'Spanish Inquisition on our whole Scottish nation there.' *Letters*, i. 199, 206, and see Archbishop Spottiswood's letter (August 1638), *ib.* 466. Bramhall to Laud in State Papers, *Ireland*, January 12, 1639; Rawdon to Conway, *ib.* July 6. Bishop H. Leslie tells Conway the swearing began in Dean Shuckburgh's parish (Connor), who cleverly persuaded 630 to take the oath, *ib.* October 7.

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XIII.

The case of
Henry
Stewart.

Palpable
high
treason.

A tardy
pardon.

Antrim the Scots formed a great majority of the colony, and Scotland was near. In Tyrone and Londonderry the English element prevailed, and the more scattered Presbyterians had the worse time. There were some who would not yield, and either could not or would not fly.' Many were imprisoned in Dublin, like 'worthy Mrs. Pont,' whose husband had to leave the country, and who was shut up for nearly three years. The case which attracted the greatest attention was that of Henry Stewart, a native of Scotland, holding property in Ulster, who with his wife Margaret, his daughters Katherine and Agnes, and a servant named James Gray were brought before the Castle-chamber for refusing the oath. Attorney-General Osbaldeston told the prisoners they were guilty of high treason, but that the King would mercifully accept fines. He laid down in the boldest way that kings derived no authority from the people, but directly from above, and that everything done against their authority is done against God. Stewart was willing to take the first part of the oath, promising allegiance and obedience, but would not swear to ecclesiastical conformity or abjure all other oaths. Wentworth told him that the whole form hung together, and that no mercy would be shown unless he took all the oath unreservedly. Ussher practically agreed with Stewart, but Wentworth overruled him and held with Bramhall that the non-abjuration of all oaths, bonds, and covenants was palpable high treason. Mr. and Mrs. Stewart and their eldest daughter were fined 3,000*l.* apiece, the younger daughter and Gray 2,000*l.*, making 13,000*l.* in all, and they were also condemned to imprisonment for life. They were told that if the King thought it proper to release them, they would have first to take the oath and to give security for their allegiance during life. The prisoners were pardoned by the King, but not until Strafford had been some time in the Tower, and the money penalties were also remitted. Whitelock stated at Strafford's trial 'that Stewart was fain to sell his estate to pay his fine.' He had to support his family in prison for fifteen months, and seems to have been half-ruined; but he secured the favour of the Scotch Parliament, who recommended his case in London, and in 1646 the

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House of Commons voted him 1,500*l.* and Gray 400*l.* out of the estate of Sir George Radcliffe, then sequestered. The Irish Attorney-General had married Radcliffe's niece a few days after Stewart's trial, which adds point to the story. Gray, who had nothing of his own, and was maintained in gaol by his master, took an amusing and profitable revenge. He was employed in the spring of 1641 to promote a petition against episcopacy, and was said to have received 300*l.* for his services. Signatures were easily got, but Bramhall said they were all of ignorant and obscure persons, 'not one that I know but Patrick Derry of the Newry, not one Englishman.' After Strafford's death Ormonde and others who had taken part in Stewart's trial admitted that they had been mistaken and were excused, but the Lords Justices Borlase and Parsons offered some arguments in their predecessor's favour. They allowed that the case was one for the law-courts and not for the Castle-chamber; but this error was not Strafford's, who followed a long established practice. The heaviness of the fine was meant to strike terror into others, and not to ruin the individuals charged, and they were even inclined to think that the sentence was just. It is nevertheless evident that the invention and enforcement of the Black Oath by prerogative only was unadulterated despotism. The Roman Catholics of Ireland had much to complain of, but they were not called upon to take oaths which had no parliamentary sanction.¹

Petitions
against
episcopacy,
1641.

Illegality
of the
Black
Oath.

When Strafford was impeached, two witnesses swore that at the time of Stewart's trial he had openly threatened to root out stock and branch all Scots who would not conform, and had called them rebels and traitors. This no doubt was said hastily and in anger, but he afterwards expressed the same sentiments when he had had time, plenty of time, to think. Writing to Radcliffe from York more than a year

Strafford
proposes to
drive out
all the
Scots,
1640.

¹ Baillie's *Letters*, i. 190, 195; sentence of the Castle-chamber, September 7, 1639, in *State Papers, Ireland*; comments of Lords Justices and Council, *ib.* July 30, 1641; *Rushworth*, viii. 496; Bramhall to Ussher, April 26, 1641; Reid's *Presbyterian Church*, i. 257, 294. Strafford at his trial objected to the witness Salmon because he said Stewart was tried in October instead of September, but the substance of his evidence is unchallenged and confirmed by other accounts.

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later he proposed 'to banish all the under Scots in Ulster by proclamation,' grounded upon a request from his subservient Irish Parliament. By 'under Scots' he meant all who had not given hostage to fortune by acquiring considerable estates in land. There were 40,000 able-bodied Scots ready to welcome Argyle if he landed in Ireland, and that chief was cunning enough to tempt 'the mere Irish, the ancient dependents of the O'Neills in that province,' to strike a blow for lands and liberty. A vote of this kind in the Irish Parliament would help the King much, for it would infallibly create 'a perpetual distrust and hatred' between England and Scotland, and would add to his Majesty's reputation in foreign parts. The banishment might be called conditional upon the continuance of hostilities. As to the owners of 'considerable estates,' they were but few, and the loss to them of all their tenants and servants was nothing to the general peace which would follow the expulsion of the 'under Scots, who are so numerous and so ready for insurrection,' and who were already armed. Even those who had taken the Black Oath were to be treated as prospective rebels. Shipping was to be provided at once, and the exiles landed in some bays or lochs where the Campbell galleys could not reach them. Radcliffe, who was in Dublin, kept this letter to himself, for he saw that the plan was impossible, and he knew that the House of Commons there was already getting out of hand. Strafford believed that something equivalent to a state of siege existed, and that he was therefore justified in the most extreme measures. History may make excuses, but to the Long Parliament he was the man who had encouraged them to oppose the King, who had then gone over to the side of prerogative, receiving titles and power as the price of desertion, and who was ready to dragoon better men into submission. To honest Scotch Covenanters he was of course the arch-enemy, and those who espoused their cause from selfish motives knew that his interests were not theirs.¹

'Under Scots' to be deported to remote places.

¹ Evidence of Salmon and Loftus, which was not shaken by rebutting witnesses, at Strafford's trial in *Rushworth*, viii. 496. Strafford's letter of October 8, 1640, from York, in Whitaker's *Life of Radcliffe*, who endorsed it 'rejected by me, and crossed.'

CHAPTER XIV

WENTWORTH'S PLANS OF FORFEITURE AND SETTLEMENT

It was natural, considering the history of the country, that very few titles to Irish land should be absolutely without flaw. This uncertainty affected all business transactions, and nothing was so much longed for as a possessory title of sixty years, such as James had granted by statute in England. But the opportunity of increasing revenue was too good to be lost, and Charles, just before Wentworth's arrival, issued to him and others a commission for defective titles which gave almost unlimited power to compound with the owners of property, and to give them fresh titles in consideration of such payments as the Commissioners might think fair. Valid grants from the Crown were not to be disturbed, and lands appropriated to certain public uses were also excepted. Everything else was at the mercy of the Commission, but a title once granted was to be confirmed by the next Parliament. An Act did pass in 1634 confirming such grants as had been already made, and prospectively ratifying those still to come. But Wentworth contemplated new settlements like that of Ulster, and the Commission gave him enormous power. He advised the King to give four shillings in the pound to the Chief Justice and Chief Baron out of all increase of revenue for the first twelve months, and so secure five pounds a year for ever; and this he found to be 'the best advice that ever was, for now they do intend it with a care and diligence such, as if it were their own private.' A commission to the henwife has been commonly found to increase the number of eggs, but the idea is scarcely applicable to a Chief Justice. Wentworth was not corrupt himself, and he condemned corruption in others, but in his

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XIV.Defective
titles to
land.Raising
the King's
rents.

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XIV.Scope of
Wentworth's
plans.

zeal for the Crown he advised Charles to do a far worse thing than any that had brought down Bacon from his high estate.¹

Profit by
wardships.

Among the twenty-six Acts passed in the second session of Wentworth's obedient Parliament there were several relating to the tenure and alienation of land. Secret leases for long terms and other fraudulent conveyances were so common that titles to property were much obscured. Feudal burdens were shirked, and private injustice was often done. The general drift of Wentworth's legislation was to secure the public registration of deeds and wills, and to make the actual possession of land presumptive proof of its ownership. This reform, he wrote, 'will without question gain the Crown six wardships for one, besides an opportunity to breed the best houses up in religion as they fall, which in reason of state is of infinite consequence, as we see experimentally in my Lord of Ormonde, who, if he had been left to the education of his own parents, had been as mere Irish and Papist as the best of them, whereas now he is a very good Protestant, and consequently will make not only a faithful, but a very affectionate servant to the Crown of England.' The gain through the Court of Wards he afterwards reported to be £4,000 a year. The gain to his great scheme of plantation was obvious. Here again there was much immediate profit to the Crown and more in prospect by the establishment of an English and Protestant population. 'All the Protestants,' he said, 'are for plantations, all the others against them.' If juries drawn from the Recusant

Protestant
colonies.

¹ A faulty commission was issued in April 1633, but the corrected version which was acted upon is calendared at June 29, 1634. The commissioners besides Wentworth were Lord Chancellor Loftus, Cork, Parsons, Chief Justice Lowther, Wandesford, Radcliffe, and the Barons of the Exchequer; Sir C. Coote and Mainwaring were added later. A fresh commission, dated September 1, 1638, is in Rymer's *Fœdera*, xx. 263. *Irish Statutes*, 10 Car. I. cap. 3. Wentworth to the King, December 9, 1636, *Strafford Letters*, ii. 41. In February 1640-1 the Irish House of Lords asked 'whether it stood with the integrity of the judge to take 4s. per £ out of all increases to His Majesty upon compositions of defective bills, by avoiding such patents as the same judge condemns in an extra-judicial way' (*Nelson*, ii. 575).

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majority could be got to find the King's title to their lands, so much the better. If not, there was a Protestant majority in the House of Commons and the lands requisite for colonisation might be 'passed to the King by immediate Act of Parliament.' One of the districts selected was the north part of Tipperary called Ormond, where the Earl had grants which would have been fatal to Wentworth's scheme, but that he at once declared himself willing to co-operate. In Thomond or Clare Lord Inchiquin prudently followed Ormonde's example, but in neither case was time given to Wentworth for the establishment of his projected colony. The sept of the O'Brennans had long been in practical possession of Edough, the northern part of Kilkenny, which includes Castlecomer. The King's title was found in the usual way, and the territory was granted to Wandesford, who bought out certain other claimants and who even made some attempts to compensate the O'Brennans. Many English tenants were established, and Wandesford's representatives, after having been ousted during the rebellion, held their own under the Commonwealth and after the Restoration. Wentworth claimed the whole of Connaught for the Crown. The general idea was that one-fourth of the land should be given to settlers, and that the old owners should receive a valid title for the remainder. Leitrim had been lately planted, and the other four counties were now claimed. Galway was thought the most likely to resist, and was left to the last, lest its example should corrupt the others.¹

Tipperary.

Clare.

Kilkenny.

Con-
naught.

The Commissioners for the new plantation were the Lord Deputy himself, Lord Dillon, acting-president of Connaught, Lord Ranelagh, Sir Gerard Lowther, Chief Justice of the Common Pleas, Wentworth's friend Wandesford, his secretaries Mainwaring and Radcliffe, and Sir Adam Loftus of Rathfarnham, who always supported him. The Commissioners arrived at Boyle on July 9, 1635, and went

Sub-
mission
of Ros-
common,
July 1635.

¹ Wentworth to Coke, December 16, 1634; to Laud, March 10, 1634-5; Commissioners of plantation to Coke, August 25, 1635; Wentworth's notes on the Irish revenue, July 6, 1636, *Strafford Letters*. Details as to Edough are in Prendergast's *Ireland from the Restoration to the Revolution*, part iii. chap. i.

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The King
to have his
way in any
case.

Went-
worth's
charge to
the jury.

Sub-
mission of
Sligo and
Mayo,
July, 1635.

to work without delay. Before leaving Dublin Wentworth had directed the sheriff to enpanel a jury 'of the best estates and understandings' in the county of Roscommon. 'My reason,' he said, 'was that this being a leading case for the whole province, it would set a great value in their estimation upon the goodness of the King's title, being found by persons of their qualities, and as much concerned in their own particulars as any other. Again, finding the evidence so strong, as unless they went against it, they must pass for the King, I resolved to have persons of such means as might answer the King a round fine in the Castle-chamber in case they should prevaricate, who in all seeming even out of that reason would be more fearful to tread shamelessly and impudently aside from the truth, than such as had less, or nothing to lose.' The threatened landowners asked for an adjournment, but Wentworth said the chancery proceedings begun twenty days before were notice enough. Counsel having been heard on both sides, Wentworth told the jury that the King's great object was to make them a civil people, that a plantation was the readiest means to that end, and that his Majesty would not only take from them nothing that was theirs, but would also give them something that was his. In other words they were to be allowed to retain three-fourths of what they, and everyone else, supposed to be their own property. No legally valid grant should be questioned, 'but God knows,' he told Coke, 'very few or none of their patents are good.' The evidence, Wentworth told the jury, was clear, and if they acknowledged it frankly they should have easy terms. But the King would have his way anyhow, and perhaps it would be best for him that they should deny his title, for in that case he would get all he wanted by a process in the Exchequer, and they could then expect no mercy. With this threat hanging over them, the Roscommon gentlemen thought it prudent to submit, and found the King's title to the whole county.¹

Sligo, on the 20th, and Mayo on the 31st, followed the example of Roscommon, but at Portumna in Galway the

¹ Wentworth to Coke, July 14, 1635, *Strafford Letters*.

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ance of
Galway.Opposi-
tion of
Clanri-
carde.Threats
against all
concerned.Punish-
ment of
sheriffs
and jurors.Galway
submits
and the
King
approves
of all.

Commissioners met with a very different reception. The county, and especially the eastern part of it, was much under the influence of the Earl of Clanricarde; it contained hardly any Protestant freeholders, and the influence of the Roman Catholic clergy was very great. Clanricarde was in England with his son, but his nephew Lord Clanmorris attended to lead the opposition. Another nephew was on the jury, and so was John Donnellan, the Earl's agent or steward. The jury with two exceptions found against the King's title, and it was observed that those who voted after Donnellan did so with much greater decision than those who voted before him. Richard Burke, Clanricarde's nephew, was fined 500*l.* for endeavouring to influence a brother juror by pulling his sleeve while he was speaking with the Commissioners. Wentworth was very angry, and resolved to carry out his plan notwithstanding, but with the difference that half the land in Galway was to be confiscated, instead of a quarter as in the other three counties. The disobedient shire should be 'fully lined and planted with English,' and bridled in the meantime with sufficient garrisons. 'And for those counsellors at law,' the Commissioners reported, 'who so laboured against the King's title, we conceive it is fit that such of them as we shall find reason to proceed withal, be put to take the oath of supremacy, which if they refuse, that then they be silenced, and not admitted to practise as now they do; it being unfit that they should take benefit by his Majesty's graces, that take the boldness after such a manner to oppose his service.' Wentworth had taken much credit to himself at Boyle for allowing counsel to appear before the Commissioners, and this was how he understood freedom of speech. The sheriff was fined 1,000*l.* and bound over to appear in the Castle-chamber on a charge of packing the jury, who were also bound over to be dealt with there. A proclamation was issued to give the county generally an opportunity of disavowing the jury, and this was so far successful that a verdict was obtained for the King at Galway in April 1637. Charles thoroughly approved of the fines, the imprisonments and the proclama-

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Death of
Richard
Earl of
Clanricarde,

for which
Wentworth is
blamed.

Ulick,
Earl of
Clanricarde,
Governor
of Galway.

tions, and in particular held it 'just and reasonable' that the Galway landowners should lose half their property instead of a mere one-fourth.¹

The Earl of Clanricarde had distinguished himself by his courage and fidelity at Kinsale, and had enjoyed the especial favour of Queen Elizabeth. He had afterwards married Walsingham's daughter, the widow of Sidney and Essex. His services thus entitled him to consideration, and his connections secured him friends at Court. In 1616 James I., after a full inquiry by two secretaries of state, had made him governor of the county and town of Galway in such a manner as to make him independent of the president of Connaught. This patent expired with James, but it was amply renewed by his successor for the life of the Earl and his eldest son. These facts were perfectly well known to Wentworth, but he advised the King to break his word and revoke the patent on the purely technical ground that a judicial office could not be granted in reversion. Clanricarde died within the year, and it was reported by Wentworth's enemies that hard usage had broken his heart. 'They might as well,' said the Lord Deputy, 'have imputed unto me for a crime his being threescore and ten years old.' There was more reason for imputing to him the death in prison of Martin Darcy, the unfortunate sheriff of Galway. 'My arrows,' he said on this point, 'are cruel that wound so mortally; but I should be more sorry by much the King should lose his fine.' The King did not revoke the patent for the government of Galway, and the young Earl of Clanricarde, who was to play so important a part in the civil war, seems from the first to have enjoyed much influence at Court. The Galway jurors were tried in the Castle-chamber in May 1636, and sentenced to pay £4,000 each as a fine, to be imprisoned until payment, and to acknowledge their fault at the assizes upon their knees and in open court. The fine was afterwards reduced at Clanricarde's request,

¹ Lord Deputy and Commissioners to Coke, August 25, 1635, and Coke's answer, September 30, *Strafford Letters*. Hardiman's *Hist. of Galway*, p. 105.

and the difficulties with Scotland began before any real progress could be made with the new settlement.¹

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Nature of
Went-
worth's
policy.

Wentworth maintained the King's title to Connaught on purely legal grounds, not seeming to realise that mere legality was an inadequate foundation for what was virtually wholesale forfeiture. Some modern writers who admire or excuse his policy have stated that he set up a title which would satisfy lawyers; but no one had a greater contempt for the letter of the law when it stood in his way, and it is the substantial justice of his action that is really in question. The Elizabethan lawyers knew perfectly well that the feudal ownership of Connaught was vested in Edward IV. and his successors, but they did not, therefore, consider that the land was at the Queen's mercy. The chiefs and landowners of the province had been acknowledged over and over again, and had always yielded something to the Crown by way of cess. Sidney and Perrott reduced this uncertain impost to a small but fixed rent, and by so doing confirmed the tenure of those who paid it. It is very true that the exact terms of the contract had seldom been fulfilled by the Irish, and that most of them had been engaged in rebellious actions after the composition. That might have been a reason for forfeiting their land at the time, and demands for arrears of rent might have been made much later; but this is a very different thing from confiscation after a generation of peace. Nor was this all: on July 21, 1615, James I. had written to Chichester directing that the Connaught landowners should have patents granted them, in consideration of the composition made by Queen Elizabeth, and reserving the same rent in future. To this Wentworth answered that the recitals in the letter as to the fulfilment of the composition covenants were grounded on false information; that 'the inhabitants were intruders and had no such estates as could either be surrendered or confirmed.' The patents actually issued

There was
a sub-
stantial
breach of
faith.

¹ Wentworth to the King, December 5, 1635. Carte's *Ormonde* i. 82. Clarendon says that Essex, who already disliked Wentworth, 'openly professed revenge against him for his treatment of Clanricarde, *History of Rebellion*, ii. 101.

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were therefore void, as having been obtained under false pretences, and for some technical flaws also. The monstrous result is that the whole population of Connaught were squatters, and had no rights whatever. It is no wonder that the Irish Parliament had clamoured for a sixty years' possessory title against the Crown.¹

The
Londoners'
plantation.

Whatever other objects he may have had in view, profit to the Exchequer was always sought by Wentworth. In the case of the Londoners' plantation the mere money consideration was greater, and the political advantage much less, than in the case of the Connaught proprietors. Sir Thomas Phillips had almost ruined himself in his contest with the great corporation, who had certainly done much, but who could easily be shown not to have done all that they promised. Londonderry and Coleraine had been secured against attack, but the number of houses was less than at first agreed upon, and in the country it was found much easier to take rent from the native occupiers than to bring over the full number of English settlers. Commercial corporations who become possessed of political power are always tempted to pay too much regard to present profit, and the Irish Society of London acted to some extent as the East India Company did in later times. In the Bann alone more than sixty tons of salmon were sometimes taken in one day, and this was much more lucrative than the slow process of settling English farmers upon the land. It was also much more convenient to convert the vast woods into ready money than to preserve them for local use, and their destruction was rapid. In 1803 the county of Londonderry, which had once contained the great forest of Glenconkein, was officially reported to be 'perhaps the worst wooded in the King's dominions.' Wentworth saw his opportunity, and determined to exact his pound of flesh from the Londoners in Ulster, since they were unwilling to pay arbitrary taxes at home. A side blow might be dealt to Presbyterianism at the same

Destruction of the
forests.

¹ Abstract of the King's title to Connaught, 1635, *Strafford Letters*, i. 454. King James's letter of July 21, 1622, is in *Carew*. See Hardiman's *Hist. of Galway*, 104.

time. Proceedings in the Star Chamber against the Corporation of London had resulted in the summer of 1631 in a Royal Commission to collect evidence in Ireland, and special attention was ordered to be given to the representations of Phillips. The cause dragged on for three years, and early in 1634 Wentworth wrote to Coke to advise that in any case the grant of the customs of Londonderry and Coleraine, for which the grantees paid no rent, should be resumed by the Crown, as unfit to be held by any subject, and especially by a body which owed the King 1,800*l.* 'It is,' he said, 'my humble suit, that at least you take that feather from them again, as not fit to be worn in the round cap of a citizen of London.'¹

The Londoners offered to compromise their case by paying a fine of 30,000*l.*, but this was refused. After a hearing which lasted seventeen days, judgment was given in the Star Chamber at the end of February 1635, when a fine of 70,000*l.* was imposed and the charter declared forfeited. The actual sum levied seems to have been 12,000*l.*, which was handed over to the Queen. 'The King,' said Wentworth's correspondent Garrard, 'now hath good store of land in Ireland.' 'The Londoners,' said another gossip, the letter-writer Howell, 'have not been so forward in collecting the ship-money, since they have been taught to sing heigh-down derry, and many of them will not pay till after imprisonment, that it may stand upon record they were forced to it. The assessments have been wonderfully unequal and unproportionable, which is very ill taken, it being conceived they did it on purpose to raise clamour through the city.' In the following May an order was given in the Star Chamber to levy the fine in London, and to sequester the estates in Ireland. Bramhall, who had a dispute of his own about some of the lands, was appointed chief receiver, and the appointment was not likely to be a sinecure in his hands. Wentworth declared himself ready to carry out the forfeiture in the most drastic way. 'Would your Majesty,' he wrote, 'be pleased

A fine of
30,000*l.*
refused,

and one of
70,000*l.*
imposed.

¹ Coke to Wentworth, October 24, 1633; Wentworth to Coke, January 31, 1633-4. J. C. Beresford's *Concise View of the Irish Society*, pp. 51-56.

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Went-
worth
wished to
confiscate
the
London
plantation.

to reserve it entire to yourself, it might prove a fit part of an appanage for our young master the Duke of York. It may be made a seigniory not altogether unworthy his Highness; and for so good purpose I should labour night and day, and think all I could do little.' James's experiences in connection with Londonderry were fated to be of a much less agreeable kind. The hostility of the Londoners had much to say to both Charles and Wentworth losing their heads.¹

¹ Garrard to Wentworth, March 1, 1634-5; Howell to same, March 5; Coke to same, May 25, 1635; Wentworth to the King, April 7, *Strafford Letters*. Carte's *Ormonde*, i. 83. Among the *Cowper MSS.*, November 8, 1633, is a letter from the King ordering 5,000*l.* to Phillips out of the 70,000*l.*

CHAPTER XV

CASES OF MOUNTNORRIS, LOFTUS, AND OTHERS

TOWARDS the end of 1635 Laud warned Wentworth that he was making enemies at Court, especially 'on the Queen's side.' They said that he was 'over-full of personal prosecutions against men of quality,' Clanricarde, Cork, and Wilmot being particularly mentioned. 'I know,' wrote the Archbishop, 'a great part of this proceeds from your wise and noble proceedings against the Romish party in that kingdom; yet that shall never be made the cause in public,' though every advantage would be taken underhand.

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Laud's
warning
to Went-
worth.

Wilmot had used his position as president of Connaught to build at Athlone, giving fee-farm grants of Crown land to the settlers. It does not seem to have been alleged that he took fines for his own use; but the main facts were not denied, and he thought it prudent to obtain a pardon. He resented Wentworth's appointment as Deputy, and being himself of a choleric disposition he soon came into collision with him. The pardon was not held to cover the whole case, which was brought up again by Wentworth. Wilmot made an ample submission and tried to soften the Viceroy's animosity, while indignantly denying any corruption on his own part. There can be no doubt that he exceeded his authority, and the tenants at Athlone seem to have been willing to increase their rents to the Crown; but the case dragged on, and was perhaps unsettled when Wentworth's government came to an end. No doubt the law was against Wilmot, but considering the pardon and the fact that he had made improvements, his treatment might be described as persecution by those who disliked Wentworth.¹

Case of
Lord
Wilmot.

¹ The pardon, November 7, 1625, is in Morrin's *Patent Rolls*; Wilmot's submission, October 3, 1635, in *Strafford Letters*, i. 477, and his letter to Wentworth, *ib.* ii. 41; Laud to Wentworth, *ib.* i. 479; Wilmot to Windebank May 28, 1636, Cal. of State Papers, *Ireland*.

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Case of
Lord
Mount-
norris.

Went-
worth
wishes to
get rid of
Mount-
norris.

The Vice-Treasurer, Lord Mountnorris, was married to a near relation of Wentworth's second and best-beloved wife. This had not saved him from a rebuke for staying away from his work in August 1632; but for some years afterwards things seem to have gone pretty smoothly. Mountnorris supported the Lord Deputy effectively on his first arrival in Ireland, and at his suggestion received the King's thanks. But he was one of those who refuse nothing and resign nothing profitable, and he declined to surrender a reversionary patent in order to make room for an office-seeker favoured by Wentworth and by Secretary Coke. In May 1634 the Lord Deputy made his first serious complaint of the Vice-Treasurer for exacting sixpence in the pound as a fee out of all payments made to the officers of the Admiralty. The English Privy Council directed Mountnorris to forego these fees until the King's further pleasure should be known; but the law of the case was probably doubtful, and he ventured to disobey. He supported the Deputy in other matters, and at the conference between the two Irish Houses of Parliament, 'out of such scraps as he had gotten from the Parliaments of England, very gallantly and magisterially told the House of Commons that they had no power to administer an oath.' Wentworth nevertheless became very anxious to get rid of him and to give his place to Sir Adam Loftus, who could be always trusted to obey orders. In April 1635 he told Coke that he considered 'Lord Mountnorris to be an officer of no great nor quick endeavour to his Majesty's service, a person held by us all that hear him to be most impertinent and troublesome in the debate of all business. And, indeed, so weary are we of him that I daresay there is not one of us willing to join with him in any private counsel. My Lord Chief Baron complains of him extremely in the Exchequer, that he disorders the proceedings of the whole court through his wilfulness and ignorance.' He was a loose liver, fond of high play, winning often from young men and even lending money at interest for them to stake again. Payments from the Exchequer were said to be delayed until a bribe had been given to his brother-in-law, and one case was proved;

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norris
accused of
malversa-
tion.

but Mountnorris denied all knowledge of the matter, and made the recipient give back the money. Yet he continued to employ the culprit, and so gave good cause for suspicion. Mountnorris was evidently very unpopular, and doubtless with good reason; but he was not unwilling to resign his office for a consideration, and left the matter in Wentworth's hands. The latter was long unwilling to undertake the negotiation from his knowledge of the other's uncertain temper, and this caused so much delay that Mountnorris ultimately withdrew his offer, and the final rupture seems to have taken place at about this point.¹

Mountnorris had a relation of his own name who was a subaltern in the Lord Deputy's troop of horse. He was checked by Wentworth at a review for some irregularity, and replied by an insolent gesture or grimace. Wentworth laid his cane against the young man's shoulders, but without striking him, and threatened to 'lay him over the pate' if he offended so again. Annesley doubtless deserved punishment, but it was scarcely a Lord Deputy's business to chastise offenders with his own hand. On April 18, 1635, Annesley, who was a gentleman-usher at the Castle, dropped a stool upon Wentworth's gouty foot, and this became the subject of conversation at a dinner at the Lord Chancellor's some three or four days later. Mountnorris said: 'Perhaps it was done in revenge of that public affront which my Lord Deputy had done him formerly; but he has a brother that would not take such a revenge.' Something of the kind was said, but the exact words must be very doubtful, for it is not pretended that any one took them down at the time, and they were not sworn to until nearly eight months later. In any case Wentworth should have remembered his own *dictum* that every word must not rise up in judgment against a man. Annesley had a brother in Mountnorris's company of foot, and it was suggested that this was a hint to him from his superior officer 'to have taken up resolutions of dangerous consequence.' It seems much more probable that

Mount-
norris is
charged
with
mutiny,
1635,for words
spoken at
dinner.

¹ *Stafford Letters*, i. 73, 99, 107, 250, 259, 306, 349, 403. Mountnorris held his office during pleasure.

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tried
summarily
by a court
martial,

Mountnorris was praising his own subaltern at the expense of the Lord Deputy's gentleman-usher. Late on the evening of December 11 he was warned by a pursuivant to attend a council of war at eight o'clock next morning. Shortly after the appointed hour Wentworth came in, said he had called the court to do himself right and reparation against Lord Mountnorris, read the alleged words from a paper which had been subscribed by Lord Moore and by the Chancellor's eldest son, Sir Robert Loftus, and called upon the Vice-Treasurer to confess or deny them. The accused asked for counsel and to have the charge in writing, but he was told that councils of war allowed neither. To aggravate the case, Wentworth read the King's letter of July 31 in which he had ordered the sixpenny fees to be stopped. Mountnorris said the letter was obtained 'by misinformation.' Wentworth said it was not his habit to misrepresent anyone, 'and rebuked me,' says Mountnorris, 'with worse language than was fit to be used to a meaner man and not a peer.' Moore and Loftus swore to the truth of what they had signed, and Wentworth then ordered Moore to take his seat as a judge in a case where he had already given evidence for the prosecution. The Lord Deputy took no actual part in the sentence, but he was present during the whole proceedings, and all men dreaded his frown. According to the account forwarded by Wentworth at the time, Mountnorris submitted to the court, 'protesting that what interpretation soever his words might have put upon them, he intended no prejudice or hurt to the person of us the Deputy.' Mountnorris himself, in his evidence given in 1641, says he offered to swear that he had not uttered the words, and to bring witnesses to prove that the part referring to the public affront was spoken by others. Among the witnesses whom he says he asked to have produced were the Lord Chancellor and Sir Adam Loftus's son. He was ordered to withdraw, and after less than half an hour was called in again to hear his sentence of death, to which the court had unanimously agreed. 'My Lord Deputy,' he says, 'took occasion to make a speech, and told me invectively enough there remained no more now, if he pleased, but to

and con-
demned to
death.

cause the provost-marshal to do execution; but withal added that for matter of life, he would supplicate his Majesty. And I think he said he would rather lose his hand than I should lose my head; which I took to be the highest scorn, to compare his the Lord Deputy's hand with my head.' The expression about his hand and his victim's head occurs in Wentworth's own letters. It was reported in London that Mountnorris had been actually shot, the parts of his body where bullets took effect being specified.¹

Mountnorris had a company, as was then customary with great men in Ireland, but he was not really a soldier, and knew nothing of military discipline. The words charged against him were spoken, if spoken at all, in private society, and it is not easy to see how they could possibly affect the discipline of the army. Yet Wentworth and his slavish council found that they constituted a breach of two articles of war. That which involved the death sentence was the thirteenth: 'No man shall offer any violence, or contemptuously disobey his commander, or do any act or speak any words which are likely to breed any mutiny in the army or garrison, or impeach the obeying of the general or principal officer's directions, upon pain of death.' This article is perhaps not too severe for its purpose, especially in time of war, but does any lawyer, does any soldier, does any man of common intelligence suppose that it was intended to be applied or could properly be applied to conversation at a dinner-party? And Mountnorris swore that he had never seen the articles at the time of his condemnation under them, and did not see them until June 1636. It does not appear that they had been acted on in time of peace. Besides all this, the court-martial was held without any notice; no time

Mount-
norris not
a soldier.

Martial
law in time
of peace.

¹ Wentworth to Coke, December 14, 1635, enclosing the sentence of the court-martial, in Strafford's letters; this is preferable, so far as it goes, to the account in Rushworth's *Trial of Strafford*, where the abstract contains inaccuracies. Lord Chancellor Loftus had no son Adam, Sir Adam was his cousin. The Annesley whom Wentworth had rebuked and who dropped the stool, and the Annesley who was Mountnorris's lieutenant were brothers, but neither was the Vice-Treasurer's brother, as is so often stated. Garrard to Wentworth, January 8, 1635-6.

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The King
receives
6000*l.* for
Mount-
norris's
place.

was given to summon witnesses; Wentworth himself, the prosecutor, presided in person, while the accused, who was not allowed counsel, was turned out of court, and one of the witnesses for the prosecution sat in judgment. At Court many wondered 'that a peer of the kingdom, a Privy Councillor, a treasurer at war, though a captain, should be tried in a marshal's court for words spoken six months before, no enemy in the field, nor the Lord Deputy in any danger of his life by these words.' Wentworth's energetic and talkative emissary, Captain Price, 'laid about with his tongue' as to this and other matters, but it was the King that really silenced the voice of criticism. It was his nature to approve harsh measures, and in this case he actually made 6000*l.* by the transaction. Wentworth advised Sir Adam Loftus to spend money freely to secure the succession; from which we may infer that he intended it to be lucrative in the hands of a friend. Loftus promised the money to Cottington, who promptly 'gave it to him that really could do the business, which was the King himself.' Probably only part of the money was for Cottington, and he was to give the rest to other officials, but he got the credit of surrendering the whole sum. Before it was actually received Charles assigned it in part payment of 22,000*l.* which he was spending on the purchase of an estate in Scotland. We may assume that the King was 'roundly satisfied' without delay, for Loftus was made Vice-Treasurer at the beginning of April. The fact that the money went to provide an endowment for the Scotch archbishoprics does not greatly improve matters. Clarendon says that Mountnorris was notoriously unloved, otherwise his treatment would have been thought 'the most extravagant piece of sovereignty that in a time of peace had been ever executed by any subject.'¹

¹ Lord Keeper Coventry to Wentworth, December 24, 1635; James Howell to Wentworth, January 1; Garrard to Wentworth, January 8 and 25, 1635-6; Cottington to Wentworth, January 27; Coke to Wentworth, January 31, *Strafford Letters*; Wentworth to Price, February 14 in *State Papers, Ireland*. See also Gardiner's *Hist. of England*, chap. 81. For further details about the 6,000*l.* see Laud to Wentworth, February 4, 1635-6, in *Laud's Works*, vii. 240. Howell says Mountnorris's discomfiture was

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norris
under
restraint
for several
months,
1635-37.

Lord Mountnorris, said Wentworth, 'was prisoner in the Castle some two days, but upon his physician's certificate that the badness of his lodging might prejudice his health, I sent him upon good bond restrained only to his own house, where he is like to remain till I receive his Majesty's further pleasure concerning him.' Mountnorris makes the first confinement last six days, but the discrepancy is not of much importance. Chief Justice Shirley gave his bond for 2000*l.*, and Mountnorris remained under restraint in his own house from the middle of December 1635 until the second week of April following. In February Lady Mountnorris petitioned for her husband's release on the ground that his life was in danger, and reminded the Lord Deputy that he and his prisoner were connected by marriage; but Wentworth seems to have taken no notice of the lady's letter; and Clarendon endorsed his copy as written by her to Wentworth 'when her husband was under the sentence of death by martial law, and he was so hard-hearted that he gave her no relief.' Lady Mountnorris went to London to try the King's mercy, and Wentworth made this a reason for shutting his victim up again in the Castle. After three weeks he was again released by the doctors, in whose hands he remained for some time. In the meanwhile he had been superseded, and the Vice-Treasurership conferred on Loftus. Mountnorris was frequently brought before the Council on charges of malversation, but it does not appear that any actual sentence was given against him, and he refused to sue out his pardon in consequence. He signed a submission to the King, but the Deputy's pride was not satisfied, and he was again imprisoned during the whole of February 1637. In July Lady Mountnorris obtained the King's leave for her husband's return to England, but this was not acted on for some months, and perhaps Charles did not intend it to be taken too literally. Writing from London to Wandersford, Wentworth directed that he should not be allowed to leave Ireland, claiming that the case should be decided in Dublin and by himself. It

Deprived
of his
office.

popular at Court, but Garrard thought differently. Clarendon's *Hist. of the Rebellion*, ii. 101.

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XV.Wentworth's
motives.

was not till the autumn of 1637 that Mountnorris got out of Ireland, 'wondrously humbled as much as Chaucer's friar'; and in a letter to his friend Conway Wentworth admitted his real motives. 'I told him I never wished ill to his estate nor person further than to remove him thence where he was as well a trouble as an offence unto me.' He had, in short, turned out an opponent and given his place to an adherent, and that seemed to him a sufficient explanation.¹

The story
told by
Mount-
norris
himself,
1640.

Mountnorris's petition was presented to the House of Commons, November 7, 1640, along with the sentence of the Castle Chamber, pronounced December 12, 1635. He says Strafford 'conceived a causeless distaste against him, and thereupon endeavoured the revenge of some supposed personal neglect' by ruining him. Being already secretary of the Irish Council, King James gave him a patent of 200*l.* with other emoluments in reversion after Sir Dudley Norton's death or retirement. But Strafford falsely accused him of incivility to his brother Sir George, obtained a surrender from Norton, and, 'contrary to all right and justice, procured the said offices and fees to be conferred upon Sir Philip Mainwaring,' and maintained him in possession by his despotic authority. King Charles had made him Vice-Treasurer and Receiver-General, and seven years later Treasurer at wars. He refused when Strafford required him to make a 'dishonourable sale of the said offices,' at which he was so enraged that he trumped up the prosecution and 'in a time of public peace and serenity within that realm, December 12, 1635, did call a council of war and did accuse your petitioner of some words supposed to be spoken by your petitioner many months before tending in his lordship's strained construction to the disturbance of government, and without allowing your petitioner liberty of clearing his innocence in a legal manner or so much as an hour's time to make his just defence, proceeded to sentence at the same time, and although

¹ Rushworth's Trial of Strafford, *Court and Times*, ii. 271, Wentworth to Coke, January 3, 1635-6; to Wandesford, July 25, 1636; to Conway, January 6, 1637-8. Cal. of Clarendon Papers, February 13, 1635-6, July 18, 1636. Conway to Wentworth, October 23, 1637.

the said supposed words were no ways criminal sentenced a peer to death.' He respited the execution for the further advancing of his 'own ends,' but used it to dispose of Mountnorris's foot-company and kept him a prisoner in the Castle from December 12, 1635, until April 16, 1637. During that time all his effects and papers were 'strictly searched by some of his greatest adversaries by his lordship's direction.' Twenty days of close confinement threatening his life obliged him to submit and accept a pardon. After this Strafford took advantage of his imprisonment to issue a commission of his own choice to inquire into his office, and made misrepresentations to the King, who made Sir Adam Loftus, 'one of his accusers,' Receiver-General and Treasurer at wars. Information was laid against him in the Castle Chamber during his imprisonment and sickness as to his supposed misdemeanour. He was conscious of no guilt, but finding he would be tried by the same 'inquisitors,' all prejudiced, he was reduced 'to the miserable choice' either to go on suffering even worse or to make a submission as Strafford wished, 'whereupon your petitioner was enforced in ignominious manner to make submission, hoping thereby to purchase his liberty and go into England according to his Majesty's directions,' but he was kept in prison all the same. No one ever maintained that Star Chamber or Council, had any jurisdiction to try questions of title between man and man, yet he had been deprived on a 'paper petition' of a manor in Ireland after eighteen years' quiet possession, and turned out by Strafford's own warrant, and he was deprived of his legal remedy in other cases.¹

The witnesses to the words about revenge were Lord Moore and Sir Robert Loftus, who were present, but were not the original reporters of the expression.

It is particularly stated that the sentence was unanimous, and that there was a breach of the 41st and 13th articles of war—sentence for the first, imprisonment, public disarming,

¹ A true copy of the sentence of war pronounced against Sir Francis Annesley, Knight and Baron Mountnorris, etc., together with his Lordship's petition, etc. London; printed for J. B., 1641.

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XV.

and banishment from the Army, and for ever disabled to bear arms ; and for the 13th death.

The articles of war were printed and published on March 13, 1633, and are the same as those used by Falkland, Wilmot, and others.

Case of
Lord
Chancellor
Loftus.

Wentworth had probably distrusted Mountnorris from the first. The Lord Chancellor, on the contrary, had frequently earned his praise, and as late as the summer of 1636 a special grant of 3000*l.* was made to him on his recommendation. A few months afterwards the two men were engaged in an acrimonious correspondence about the appointment of a lawyer to do temporary duty on circuit. The explanation of this charge is to be found in certain legal proceedings which had taken place in the meantime. In the year 1621 the Chancellor's eldest son, Robert, had married Eleanor, daughter of Sir Francis Rushe, whose sister long afterwards became the wife of Wentworth's brother, Sir George. It was alleged that the Chancellor had promised to settle Monasterevan and 1500*l.* a year in land upon the young couple, and that the bride had paid over her dowry of 1750*l.* on this consideration. It was now sought after all these years to enforce specific performance of the Chancellor's verbal promise. The proceedings were taken by Eleanor's half-brother, Sir John Gifford, as her next friend, her husband refusing to be a party, though he had a solicitor to watch the case. It is not clear that ordinary courts of law had no jurisdiction in the case, but it was assumed to be matter of equity, and a King's letter was obtained remitting it to the Council on the ground that the Lord Chancellor was chief equity judge and that he could not adjudicate in his own cause. Sir William Colley swore in a hesitating and inconsistent way at the trial in 1638 to what the Chancellor had said in 1621, who upon this ground was ordered to settle all the lands to the value of 1200*l.* a year upon Sir Robert Loftus and his heirs general, to the exclusion of the second son, Edward, who was to have an annual rent-charge of 200*l.* The King professed himself anxious for the maintenance of the peerage, but the judgment, had it been finally confirmed, would have had the contrary effect, for Sir

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Robert's only son died shortly afterwards, and the property would have gone to his sister, whose uncle, as heir male, would have had the title with nothing to support it. This judgment was given on February 1, 1638, but the Chancellor was in no hurry to obey, having already appealed to the King himself, and on April 20 he was suspended by the Lord Deputy and Council, and ordered to give up the Great Seal next day. The seal not being so produced, Loftus was thereupon committed, and remained under restraint for sixteen months. It was afterwards pretended that this extreme severity to an octogenarian public servant was caused by evidence of judicial misconduct in another case, but Wentworth did not say so at the time. Loftus may have been guilty of some irregularities, but nothing like corruption was proved against him, and it is probable that little would have been heard of these grave misdemeanours if his daughter-in-law had not been Wentworth's friend and if her sister had not lately been married to his brother. In one letter he calls the Chancellor's wife 'a fury,' and in another he speaks of 'that unclean-mouthed daughter of his, the Lord Moore's wife.'¹

The
Chancellor
is sus-
pended,
and placed
under
arrest,
April,
1638.

More than ten years before Loftus had obtained a royal licence to go to England whenever he thought fit, and to put the Great Seal into commission. He did not now rely upon this, but asked for special leave, and Charles granted it at once. The King's letter probably arrived before the suspension of the Chancellor, who sent over his second son Edward. The latter had been made a party to the suit against his father, and Wentworth considered that this aggravated his contempt, though Edward does not seem to have held any office. When the Chancellor was first summoned before the Council he was not required to kneel 'considering his age and the eminency of his place,' but a resolution was passed that neither he nor

Severe
treatment
of Loftus.

¹ A good view of the Loftus case may be obtained from Arthur Earl of Essex's report in the *Drogheda Papers* in the Ninth Report of the Hist. MSS. Comm., Appx. ii., and in the *House of Lords Papers* in the 4th and 5th Reports. See also *Stafford Letters*, ii. 160-164, 257, and *Rawdon Papers*, pp. 26, 54, and the *Barrett-Lennard Papers* in the third vol. of the Report of the Royal Hist. Commission on 'various collections,' 1904.

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The King
supports
Went-
worth.

Loftus
submits.

anyone else should be so excused in future. On the second occasion he said he would rather die than kneel, and on the following day maintained that no such compliance had been required from one of his rank and quality for a hundred years, and that 'the Great Seal ought not to creep on knees and elbows to any subordinate person in the world.' He refused to give up the seal or to bring it with him; having received it from the King he would surrender it only to an order under the royal hand. After this he was committed to the Castle until the King's pleasure should be known. In his petition to Charles for release he stated that he was 'very aged and the prison very close and pestered with many prisoners.' But Wentworth and his subservient Council, fortified by a petition of Sir John Gifford, magnified the Chancellor's refusal to kneel into a great offence, and urged the King not to allow him over to England until he had fully submitted to their decree as to Monasterevan and the rest. The despatch was sent over by Sir George Radcliffe, so that no means was neglected to prejudice Charles against the old Chancellor. The leave was suspended accordingly, and in a later letter the King even blamed the 'over-much forbearance and patience' of the Deputy and Council, and ordered that the prisoner should not be allowed to go without acknowledging his fault and suing for pardon. After about eleven months' confinement the King ordered that the Chancellor should be kept a close prisoner, whereupon Lady Loftus was forced to leave her husband, 'though the small sustenance whereby he liveth is ministered by her hands.' His chaplains were also refused access to him. Afterwards just as much relaxation was allowed as to prevent the prisoner actually dying, and he was under restraint in his own house for a short time. A threat of further close confinement in the Castle at last broke his spirit, and he made over his property to trustees who were all Wentworth's close allies—Wandesford, Sir Adam Loftus, Lord Dillon, and his secretary, Sir Philip Mainwaring. The Chancellor had already made a submission to the Lord Deputy in terms sufficiently humble. Lady Moore made great exertions, and in June 1639 she was

seen on her knees before Charles at Berwick 'very earnestly soliciting for her father's coming over.' His appeal to the King was fruitless, for Wentworth was in London before him and at the height of his power. In November 1639 the decree of the Irish Council was confirmed, and Sir Richard Bolton was appointed Chancellor a few days later. Less than twelve months after the decision of the appeal the Long Parliament was sitting, and Wentworth was in the custody of Black Rod. Sir Robert Loftus and his wife both died before the Chancellor, who lived long enough to see all the decrees against him reversed by the English House of Lords, but the litigation arising out of the case extended far into the reign of Charles II. During the civil war the Irish estates were not of much use to anyone.¹

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XV.

but appeals
to the
Long
Parlia-
ment.

Loftus was no doubt a difficult man to work with for he had been on bad terms with both Falkland and Cork. He was stiff-necked, and Wentworth demanded subserviency, as he showed in the cases both of Wilmot and Mountnorris. Having been acting viceroy for four years, Loftus was not inclined to step down too far, and he considered that a Chancellor's rights and position were quite independent of the viceroy. That, no doubt, was the unpardonable sin. 'Most men,' says Clarendon, who had good opportunities of judging, 'that weighed the whole matter, believed it to be a high act of oppression, and not to be without a mixture of that policy which was spoken of before in the case of the Lord Mountnorris; for the Chancellor, being a person of great experience, subtlety, and prudence, had been always very severe to departed deputies; and not over agreeable or in any degree submissive to their full power; and taking himself to be the second person of the kingdom during his life, thought himself little less than equal to the first, who could naturally hope but for a term of six years in that superiority; neither had he

Judgment
of con-
tempo-
raries on
this case.

Clarendon.

¹ Besides the authorities quoted above there is the affidavit of Henry Parry, sworn November 16, 1652, wherein it is stated that Loftus' chaplain was not allowed to see him with a view to administering the sacrament in his extreme illness. Parry thinks his treatment by Strafford cost him 24,000*l.*, and that he lost 80,000*l.* more by the rebellion.—*Cal. of State Papers, Ireland, 1647-1660*, p. 576.

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XV.

Warwick.

Lady
Loftus.

The great
Earl of
Cork.

ever before met with the least check, that might make him suspect a diminution of his authority, dexterity, or interest.' 'The lofty humour of this great man,' says Sir Philip Warwick, 'engaged him too often and against too many. And particularly one dispute with the old Chancellor Loftus, which was sullied by an amour, as was supposed, betwixt him and his daughter-in-law.' Clarendon has some ambiguous expressions to which the same meaning has been given, and the fact that Sir Robert Loftus refused to join in the suit against his father is capable of being construed in the same way. Such charges, however, are much easier to make than to disprove, and we are not called upon to believe that there was any intrigue. Writing to his friend Conway in August 1639, he announces young Lady Loftus' death as that of 'one of the noblest persons I ever had the happiness to be acquainted with; and as I had received greater obligations from her ladyship than from all Ireland besides, so with her are gone the greatest part of my affections to the country, and all that is left of them shall be thankfully and religiously paid to her excellent memory and lasting goodness.'¹

Richard Earl of Cork was certainly the most important man in Ireland, and was generally considered the King's richest subject. He had made his great fortune himself, and it would be hard to show that it was not made honestly. There were many opportunities for speculation after the Desmond wars, and he used them to the utmost, buying in the cheapest market, and selling, if he sold at all, in the dearest. After Grandison's death he was made Lord Treasurer, and he was a royalist to the backbone. If Wentworth had been a constitutional statesman, rather than a despotic viceroy, he would have made a friend of Cork; but he preferred to humiliate him, caring nothing for his hostility, provided some of his money could be diverted to the King's coffers. Like most public men in Ireland, Lord Cork was in possession of some land which had belonged to the Church, and of some livings also. He purchased Raleigh's vast

¹ Clarendon's *History*, iii. 115-117; Warwick's *Memoirs*, 116; *Strafford Letters*, ii. 381.

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XV.Raleigh's
successor.
Church
property.Cork and
Went-
worth.

possessions for 1500*l.*, after their nascent prosperity had been destroyed in the last Desmond rebellion, and it was no fault of his if the Church had been badly treated at the time of forfeiture. Lismore Cathedral had been burned down by the White Knight and his crew, but even in this case Cork made some attempt at restoration, and might have done more if his title had not been disputed by Laud and Wentworth, who made Bishop Michael Boyle of Waterford their stalking horse in the attack on his great kinsman. 'I knew the bishop well,' said Laud, 'and when he lived in the college (St. John's) he would have done anything or sold anyone for sixpence profit.' The see-lands at Lismore and Ardmore were leased to Raleigh by two bishops, and the blame should fall on him rather than upon Boyle, who purchased the property as it stood. Wentworth was right in trying to recover Church property which had been wrongly alienated, but not in making the holder personally responsible. In the end Ardmore was restored to the see, and Lismore was confirmed to the Earl of Cork. After the breaking up of the third Parliament in 1629, Cork was pressed to lend the King 15,000*l.* on the security of the Irish customs, and had some difficulty in getting his money back. Wentworth took care that he should pay his full share of the subsidy. 'I do believe,' he wrote in 1640, 'there is no man living hath suffered so much by his (Strafford's) oppressions and injustice as myself, who with truth affirm that I am the worse by 40,000*l.* for him in my personal estate, and 1200*l.* a year in my revenue; and all is taken from me by his power without any suit in law. He hath enforced me to pay 4200*l.* within this five years for subsidies, which might have ransomed me if I had been prisoner with the Turks, and was more than himself and all the lords of the Council paid, for the last subsidy in England.'¹

Of the many disputes between the Lord Deputy and the Lord Treasurer one must be noticed particularly. In 1464

¹ *Lismore Papers*, 2nd series, iv. 187. The case for Cork as against Strafford is contained in both series of these papers, and is summed up in Smith's *Hist. of Cork*, vol. i. chap. 3, and in Mrs. Townshend's *Great Earl of Cork*. If these documents had been known to Gardiner, he might have judged Lord Cork very differently.

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XV.

The case of
Youghal
College.

Thomas Earl of Desmond founded at Youghal a college for a warden, eight fellows, and eight singing men, who were to serve the church hard by and perhaps others in the neighbourhood. The institution slipped through the net which swept away ordinary monasteries, but the celibate life in common came to an end after the Reformation, and Wetheread, Bishop of Waterford and Lismore, became warden. He died in 1592, having let the house to Sir Thomas Norris, and this lease was afterwards renewed to Raleigh's trustees, whose interest Boyle purchased. That he was thus in possession of Church property was evident, but it was in lay hands before he acquired it, and he had bought out those concerned without any secrecy. The original title was not very good, and Cork took every means possible to strengthen his position. His cousin, Richard Boyle, Bishop of Cork, was warden many years before Wentworth's arrival, and in 1627 agreed with the three then surviving fellows to release their claims in consideration of life annuities, amounting altogether to 86*l.* 13*s.* 4*d.* a year. Both parties swore to fulfil their contract. Wentworth determined to prosecute Cork in the Castle-chamber for being privy to a fabricated bond and for taking or imposing an illegal oath. Something would be recovered for the Church, but the main object was to extract enough money from the Earl to pay off or reduce the existing Crown debts in Ireland. Wentworth demanded 30,000*l.* as a voluntary fine to avoid exposure. The charge of forgery was found to be false, and as to the oath Cork, who throughout maintained that he had done nothing wrong, could show that it was voluntary on both sides, and of a character not uncommon in Ireland. His friends, including his eldest son, knew perfectly well what the result of a trial would be, and induced the Earl to pay 15,000*l.*, Wentworth pleasantly representing this as a saving of that sum to the accused. The day of trial was actually fixed, and Cork found his old antagonist, the Chancellor, sitting on a form in the gallery, who said he had read all the pleadings and that there was nothing in them. 'Then,' says Cork, 'I told his lordship that I hoped he would deliver his vote for my clearing.

Wentworth
demands a
fine of
30,000*l.*,

and takes
15,000*l.*

“Nay, by my faith (quoth he) I will not promise you that.” I replied again that if he were in my case I would clear him if my conscience did assure me he were not guilty. His lordship answered that it was very necessary for me to be exceeding careful of myself; for that it was not my cause, but my judges, I was to fear.’ In the end Cork had the property confirmed to him by the King, abandoning certain tithes and presentations worth about 700*l.* a year, which were recovered for the Church, but which were in lay hands when Cork acquired them. ‘God’s wounds, sir,’ said Wentworth to the Earl, ‘when the last Parliament in England broke up you lent the King 15,000*l.* And afterwards in a very uncivil unmannerly manner you pressed his Majesty to restore it you. Whereupon I resolved before I came out of England to fetch it back again from you, by one means or other. And now I have gotten what I desired you and I will be friends hereafter.’ The money was duly paid within two years. Laud congratulated himself on having kept the King steady throughout; but Charles seems to have had some misgivings, for he excused Cork from subscribing towards the Scotch campaign, and afterwards graciously accepted a thousand pounds in gold, which were sent down to the North after him.¹

Real
reason of
Went-
worth’s
hostility.

Cork pre-
sents
1000*l.* to
the King.

Sir Piers Crosbie had been excluded from the Irish Council for opposing Wentworth in the Parliament of 1634. This action was sustained in England and might easily be defended, for the distinction between executive and legislative functions was not fully observed in those days. Privy Councillors were then the real advisers of the Crown, and Wentworth might fairly object to one who was an open opponent. In modern times the Cabinet has usurped the powers of the Council, but no one could long remain a member without submitting to the Prime Minister in his parliamentary capacity. By withholding his confidence from all except some

Sir Piers
Crosbie’s
case.

¹ The Earl of Cork’s Remembrances, April 22 to June 2, 1636, in *Lismore Papers*, 2nd series, iii. 247, and his Diary, *ib.* 1st series, iv. 175, 179. Report on the Youghal case calendared at May 3, 1634, in *State Papers, Ireland*, Laud to Wentworth, October 4, 1635, in his *Works*, vii. 171. Mrs. Townshend’s *Great Earl of Cork*, chap. 16, may be consulted with advantage.

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Wentworth
falsely
accused of
killing
Esmond.

half-dozen Englishmen, who owed their advancement to him, Wentworth made enemies or very lukewarm supporters of the Irish officials and their friends. Crosbie had commanded an Irish regiment at Rhé, but Wentworth wrote of him as 'a gentleman of so fine and tender parts as qualifies him much better for a lady's chamber. Was there ever man such an Adonis, think you?' These words, or others to the like effect, were probably in circulation, and Crosbie was in a position to give some trouble. Lord Esmond spoke openly against the Lord Deputy, and the death of a relation of his in prison furnished the pretext for a false charge. Robert Esmond was a ship-owner, and he refused in November 1634 to take some timber of Wentworth's on board. His own defence was that the pieces were too long to be stored on board his vessel, which was already laden with wood belonging to the Chief Justice. Perhaps the Lord Deputy did not believe him: at all events he shook his cane at him and sent him to gaol, and as he died of consumption soon after being released, it is possible that confinement may have hastened his death. It was generally given out that he died of the beating he had received, and Esmond, Mountnorris, and others appear to have combined with Crosbie to propagate the story. 'There is,' Wentworth wrote, 'an impudent and false conspiracy against me. And, verily, my lord, on this Friday (a day on which it pleased God to bring me forth into the world) I renounce all the blessings of this passion if ever I did or had it in my thoughts to strike Esmond, and when the poor wand shall be shown in court wherewith I must have beaten the man to death, the impudent untruth will further appear to you.' Lord Esmond himself seems to have ceased to believe the story, for he told Wentworth of the report early in 1636. It was not till 1639 that the Star Chamber in England decided the case in Wentworth's favour. Crosbie was fined and imprisoned for a short time. According to his own account he was released on paying the fine, but Wentworth alleged that he broke out of the Fleet prison. From the charge of killing Esmond, Strafford may be fully exonerated; but it can never in any age have been

Crosbie
fined and
im-
prisoned.

right for the Chief Governor of Ireland to shake his stick at offenders, either in his judicial or in his military capacity.¹

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XV.

It was originally intended that the University of Dublin should include several colleges, as at Oxford and Cambridge, and unsuccessful attempts were made to carry out the idea. But in fact the University and Trinity College remained one. Some short-lived halls were founded for the increase of accommodation. All the early provosts except Robert Ussher, who was educated in the college itself, were Cambridge men, and a Puritan or, as we might say, a Low Church tone was generally maintained. Sir William Temple, who was provost from 1609 to 1627, made the distinction between senior and junior fellows, and it was soon decided that the right of election lay in the seniors only. Temple, who was not in orders, objected to wear a surplice as directed by Abbot, who was chancellor of the University. Bedell, who succeeded Temple, had a comparatively short tenure of office, but he signalised his reign by promulgating revised statutes and by taking steps for the teaching of Irish, with a view to approach the natives through their own language. When Abbot died in 1633 the fellows, at the instance of Primate Ussher, chose Laud for their chancellor. Laud would have preferred that the lot had fallen upon Wentworth himself, but Ussher urged him not to refuse.²

Case of
Trinity
College,
Dublin.

Cambridge
influences.

Provost
Temple,
1609.

Bedell
provost,
1627.

Laud
chosen
chan-
cellor,
1633.

Robert
Ussher
provost,
1629.

The Primate realised that his cousin Robert, who had succeeded Bedell in 1629, was not an efficient provost. His legal powers were too limited to control the senior fellows, who were always caballing against him, and he was of 'too soft and gentle a disposition to rule so heady a company.' He was weary of his work and would readily take an easier place and make room for 'one of a more rigid temper and

¹ Wentworth to Conway, Cal. of State Papers, *Ireland*, March 12, 1635; Notes of the Star Chamber trial, *ib.* May 10, 1639; *Rushworth*, iii. 888 and viii. 109; Wentworth to Sir John Bramston, C.J., April 12, 1639, in Browning's (really Forster's) *Life of Strafford*, 1892. And see the note to Gardiner's *Hist. of England*, ix. 71.

² Ussher to Laud, in his *Works*, xv. 572-575; Laud to Wentworth, March 11, 1633-34, in his *Works*, vi. 255; Wentworth to Laud, August 23, 1634, in *Strafford Letters*.

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XV.Chappell
provost,
1634.Chappell's
troubles.

stouter disposition.' Both Laud and Wentworth were of the same opinion, and the provost was glad to accept the archdeaconry of Meath, and later the bishopric of Kildare along with it. William Chappell, Dean of Cashel, was chosen provost in his place, though he had positively refused to be named when Bedell resigned. Perhaps he thought anything better than residence at Cashel. 'God knows,' he exclaimed, 'what I suffered there!' He wrote his own life, or part of it, in Latin iambics which are not very good for the head of a college; but he is perhaps best known as the fellow and tutor of Christ's who is supposed to have flogged John Milton. Wentworth went to the college himself and ordered the fellows to elect Chappell, which they readily did; in any case the King had determined that he should be the man. Laud re-edited Bedell's revised statutes, and reduced the number of visitors from seven, among whom Ussher had a preponderating influence, to three—namely, himself, the Primate, and the Archbishop of Dublin, who was an Englishman and certain not to oppose the Crown. Chappell was found to be a useful instrument, though he did not work at all smoothly, and Wentworth insisted on his accepting the bishopric of Cork and holding it along with the provostship. This he was unwilling to do, having sworn that he would not seek such a plurality of office either directly or indirectly; but he was overruled by Wentworth and Radcliffe. Both Ussher and Bramhall objected, and Laud evidently had misgivings, though he yielded to the Lord Deputy. The distance of Cork from Dublin seemed to him a real obstacle, though he considered that the appointment was not illegal, since the provost had not in any way solicited his bishopric. 'So here I stick,' cries Chappell, 'distracted between remote places, both full of quarrels, which my soul abhors as my body does the journeys.'¹

¹ Ussher to Dr. Ward, 1633 (before September); to Laud, July 9, 1638, in his *Works*; Laud to Bramhall, August 11, 1638, in his *Works*, vi. 532—'the motion of the Provost's keeping the College, though he was a Bishop, proceeded originally from the Lord Deputy, and not from me'; to Wentworth, July 30, *ib.* vii. 43; to same, September 10, 1638, *ib.* vi. 535—'Me thinks you might speak privately with the Primate, and so do what you

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XV.The Irish
lecture
aban-
doned.English
fellows
imported.

Chappell suppressed the Irish lecture, abandoning all idea of reaching the natives through their own language ; and this was in accordance with Wentworth's policy. Above all things, wrote the latter to Laud, ' I would recommend that we might have half a dozen good scholars to be sent over to us to be made fellows ; there will be room for so many once in a year, and this encouragement I will give them, *cæteris paribus* I will prefer them before any but my own chaplains, which, I assure you, are not many.' Some were brought over accordingly, and one of them, named Harding, became tutor to Wentworth's son ; but at the age of eleven he could hardly be considered a specimen undergraduate. Falkland had also placed his eldest son in the college, where he took his degree at fifteen. Wentworth's plan was to put Englishmen into every position of power or influence in Ireland and to depress all of native birth. Even Primate Ussher, though the Lord Deputy respected and admired him, had much less influence than Bramhall. The King was to be absolute in both islands, Church and State being reduced to uniformity. That was Thorough.¹

would with him. As for the Bishop of Derry, I presume you can rule him ; if not, you were better send the Provost fairly with honour to his bishopric, and think of as good a successor as you can for the college ; to same, December 29, 1638, *ib.* vi. 551. Chappell's metrical autobiography is in Peck's *Desiderata Curiosa*, Lib. xi.

¹ Wentworth to Laud, August 23, 1634, *Strafford Letters*. Further details may be found in Stubbs's *Hist. of the Univ. of Dublin*, and in Dr. Mahaffy's *Epoch in Irish Hist.*

CHAPTER XVI

STRAFFORD'S GOVERNMENT, 1638-1640

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XVI.

Wentworth's
account
of his
stewardship,
1636.

The
Church.

Finance.

The army.

WENTWORTH was in England from the beginning of June until late in November 1636, rooms being assigned to him at Hampton Court. Wandesford and the Chancellor were Lords Justices, and very careful to do nothing of themselves, so that the Lord Deputy found the situation unchanged at his return. His best work in Ireland was already done, and he was able to give a very good account of it. Thirty thousand pounds a year had been recovered for the Church, impropriations in the hands of the Crown having been all restored to the clergy. A High Commission Court had been erected, and measures taken to prevent improvident leases of Church lands. Some progress had been made in restoring the churches, most of which had been roofless ruins since the Desmond and Tyrone wars. Decency was re-established in service time, as to which it may be sufficient to say that Wentworth had found 'the communion table was sat upon as ordinary as any other place.' The English canons were put in force and the Thirty-nine Articles adopted, 'those of Ireland silenced and passed by.' He had found an excess of expenditure amounting to 24,000*l.* over income, and a debt of 94,000*l.* An equilibrium had now been established and the arrears cleared off; and a future surplus of 50,000*l.* might be secured if his plans were not thwarted by hasty grants. He had inspected every single man of the 2000 foot and 600 horse forming his army, 'the great peacemaker between the British and the natives, between the Protestant and the Papist'; whereas some former generals had been several years in Ireland without reviewing one company. The troops were properly clothed, armed, and paid, and discipline was so strict that

the soldiers dared not take a chicken without paying 'at the owner's price.' The law had been assimilated by the late Parliament to that of England, and its administration was greatly improved. Trade had increased by the almost total suppression of piracy, and means were taken to encourage the growing and spinning of flax. But revenue was in his eyes the most important part of commerce, and the cloth business was depressed because it interfered with an English staple industry, 'the rather that by the wool of Ireland the King hath four times custom: first, when it is brought into England, and here when it is landed, and then here when it is transported in cloth, and also for the commodities which is returned.' On the other hand, he persuaded the King to take off a lately imposed export duty of four shillings a ton on coal for Ireland, and another heavy one on horses, which interfered with his military plans; and an import duty of eighteenpence and sixpence respectively upon Irish cattle and sheep.¹

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Law
reform.

Trade.

Wentworth was useful to the King in the ship-money trouble as well as in Ireland, more than once expressing a wish that Mr. Hampden should be well whipped into his right senses. He had Charles's entire approbation, and wished for a mark of honour to carry back to his government, without which it might be supposed that he was more or less in disgrace at Court. The last rebuff had made him shy, and this time he used Laud's mediation; but the earldom was again refused. No answer was given to the Archbishop, who had observed that his Majesty 'loved extremely to have such things, especially once moved, to come from himself,' and on this occasion the sovereign laid down that titles were useful 'not to quell envy, but to reward service.' He had not much regard for his minister's feelings. Wentworth knew very well that his hold upon Ireland depended on the belief that he was firmly rooted in the King's favour, and he would have liked some outward and visible sign of it. He left London victorious for the time, but knowing that he had

An earl-
dom again
refused.

¹ Report by the Lord Deputy, June 21, 1636, State Papers, *Ireland*; Wentworth to Wandesford, July 25, *Strafford Letters*, ii. 13-23.

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Carlisle.

many enemies in high places and very few real friends. During this visit he formed a close alliance with Lady Carlisle, who had been lately left a widow. Her husband bequeathed to her his interest in Ireland, the value of which depended much upon the good will of the all-powerful Lord Deputy. Financial considerations may have moved the lady first, and Wentworth on his part may have desired the help of someone who stood well with the Queen. At all events, the admiration was mutual, for she even regulated her movements by his, and was repaid, as her sister Lady Leicester reported, by having 'more power with him than any creature.' When he reached York he was nearly killed with feasting, after which he had a few weeks' rest in the country. 'With what quietness in myself,' he wrote from Gawthorp, 'could I live here in comparison with that noise and labour I meet with elsewhere; and I protest put up more crowns in my purse at the year's end too. But we'll let that pass, for I am not like to enjoy that blessed condition upon earth. And therefore my resolution is set to endure and struggle with it as long as this crazy body will bear it, and finally drop into the silent grave where both all these and myself are to be forgotten.'¹

Wentworth
supreme in
Ireland.

Wentworth returned to Ireland late in 1636, and remained there for more than two years and a half. He continued to pursue the policy already described, and as he had completely defeated his enemies at Court his power was greater than ever, notwithstanding the last rebuff about an earl's coronet. In every dispute he was victorious, though we know from what happened afterwards that there was deep discontent. He did not neglect his own affairs, and though he knew well by how frail a tenure he held authority, the founder of a dynasty could scarcely have proceeded with greater confidence. As a man of fortune, he could afford to wait for profits, and his delight in building and planting was great. He had 6000*l.* a year in England, which was a great deal in

¹ Laud to Wentworth, August 31, September 8 and 26, 1636, *Works*, vi. 466, vii. 279, 288; Wentworth to the King and to Laud, August 17 and 23; the King to Wentworth, September 3, *Strafford Letters*, ii. 26, 32; Dorothy, Countess of Leicester, to her husband, November 10 and January 10, 1636-7, Collins's *Sidney Papers*, ii. 444, 456.

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XVI.

His Irish
estates.Country
life.Game
laws.

those days ; and he told Laud that his expenditure in Ireland far exceeded his official emoluments. He did, however, acquire a large Irish estate, though he is not seriously accused of getting it by unfair means. In 1637 he had bought land worth some 13,000*l.*, but his debts had increased by more than half that amount. A country residence for himself and his successors and another for the King's representative, or for the sovereign himself should he visit Ireland, occupied as much of his time and thoughts as could be spared from public business. His love of the country was genuine. Writing from his Yorkshire home in 1623, he says that his ambition there was limited to 'looking on a tulip, hearing a bird sing, a rivulet murmuring, or some such petty and innocent pastime . . . having recovered more in a day by an open country air than in a fortnight's time in that smothering one of London.' He was fond of field sports, and as there were no partridges near Dublin, he trained sparrow-hawks to fly at blackbirds. 'It is excellent sport,' he told Cottington, 'there being sometimes two hundred horse in the field looking upon us.' In Tipperary he found plenty of partridges, and killed them daily with his hawk, wishing that his children had some of the plums which that county also produced. In Wicklow he amused himself by shooting outlying bucks, complaining that he was bitten all over by much worse midges than are found in England—'surely they are younger brothers to the muskitoes the Indies brag of so much.' By a drastic proclamation he tried to preserve all pheasants, grouse, and partridges within seven miles of Dublin or five miles of Naas. From time to time he sent eels, salt fish, and dried venison to Laud, who much appreciated these delicacies, while laughing at the badness of the hung beef which Wentworth procured from Yorkshire. On one occasion he sent the Archbishop ninety-two skins of the pine-marten, now very rare, to line a gown with. Ormonde entertained him twice, at Carrick-on-Suir and Kilkenny Castle, which he greatly admired as well as the country round. In writing to his wife he praised or criticised the ladies' looks, but found no time to notice their dresses. At Kilkenny, he says, 'the

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XVI.Strafford's
buildings.The park
of parks.

town entertained us with the force of oratory and the fury of poetry, and rather taught me what I should be than told me what I am.' ¹

'They say I build up to the sky,' Wentworth wrote in the autumn of 1637; but he had already several houses in Yorkshire, and his object was a public one. At Sigginstown or Jigginstown, near Naas, he had almost completed a palace at an expense of 6000*l*. The King might have it at cost price, otherwise he would bear the loss himself. He dissuaded his wife from joining him there while he was wrangling with workmen, but hoped it would soon be ready to receive her. Just six years afterwards Ormonde's truce with the rebels was signed in this very house, which still stands, though roofless. It was built of bricks, probably Dutch-made, and there is a doubtful tradition that they were transmitted from hand to hand all the way from Dublin. Wentworth talked about spending 1200*l*. upon a residence for himself in what he calls 'the park of parks' near Tinahely in Wicklow, intending it as a health resort which might enable him to disappoint his enemies by living a little longer. The foundations of this house, locally known as 'Black Tom's Kitchen, may still be seen; but the lands of Fairwood have for the most part been sold to the tenants, who have converted the fine old trees into ready money. Wentworth's last visit was in August 1639, but he seems to have lived in a temporary wooden building, and the strong stone house was never finished. He then hoped to leave to his son one of the finest places in the King's dominions, 'where a grass-time may be passed with most pleasure of that kind,' a good house and an income of near 3000*l*., with 'wood on the ground as much, I daresay, if near London, as would yield 50,000*l*., besides a

¹ Wentworth to Laud, September 27, 1637; to Conway, June 16, 1623; to Cottington, November 24, 1633; to Laud, May 23, 1638, all in *Strafford Letters*; to his wife, August 1638, in Cooper's *Life of Strafford*, ii. 39-41. The proclamation of August 3, 1637, dilates on the importance of providing sport for the Lord Deputy and Council. No licence to shoot with 'hail-shot' was to be granted unless the holder would give a bond not to use it within the bounds mentioned in the text. The privileged tract was reserved to Councillors of State for hawking.

house within twelve miles of Dublin, the best in Ireland, and land to it which I hope will be 2000*l.* a year.' ¹

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While at Doncaster, after the treaty of Berwick, the King saw a messenger from Wentworth, who gave him his latest ideas on the Loftus case. Charles reached London on August 2 1639, and within three weeks it was known that the Lord Deputy would be sent for and perhaps made Lord Treasurer. He arrived at his own house in Covent Garden on September 21, and became virtually chief minister until the meeting of the Long Parliament, though his advice was not always taken. Juxon remained in charge of an empty Treasury. Lord Dillon and Wandesford had been left in Ireland as Lords Justices, but Radcliffe was more trusted than anyone. Wentworth did not neglect the affairs of Ireland, but he had no time to write at length, though he was able to bring the Loftus affair to the conclusion he desired. He was particularly anxious that Lady Carlisle's interests in Ireland should not be neglected, and no doubt he often saw her. While devoting himself heart and soul to the King's affairs, he was under no illusion as to their evil condition. Writing from St. Albans on the morning of the day when he reached London, 'I find,' he told Radcliffe, 'a great expectation is drawn upon me, for which I am most sorry; and the nearer I come to it the more my heart fails me; nor can I promise unto myself any good by this journey.' ²

Wentworth becomes the King's chief adviser, 1639.

His misgivings.

On November 19, in the King's presence, the Privy Council gave judgment for Wentworth against the Irish Chancellor. Very soon afterwards it was decided on his recommendation that a Parliament should be held both in England and Ireland, and he fancied that some popularity had come to him in consequence. So much did Charles lean on him, that his presence at the opening of both Parliaments

Wentworth advises a Parliament.

¹ Wentworth to Laud, September 27, 1637; to Lady Clare, August 10, 1639, in *Strafford Letters*; to his wife, September 12, 1637, in Cooper's *Life of Strafford*, ii. 43. Naas is twenty English miles from Dublin, a good deal more than twelve Irish, and Tinahely fifty-three miles.

² R. Weckherlin to Sir John Coke, August 25, 1639, *Melbourne Hall Papers*; W. Raylton to same, August 13, *ib.*; Wentworth to Radcliffe, September 21 and October 28 in Whitaker's *Life of Radcliffe*, 181-3.

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He is made
Lord
Lieutenant and
Earl of
Strafford

was considered necessary. He tried to maintain Sir John Coke in office, but indeed the Secretary was superannuated, and he failed to obtain the succession for Leicester, the appointment being given to Vane, whom he hated and despised. But he was made Lord Lieutenant of Ireland, a title which had not been conferred since Devonshire's time, with power to appoint a deputy, and so to direct affairs on both sides of St. George's Channel; and he received the earldom which had been twice refused. He had the bad taste to take a second title from Vane's house at Raby, and the latter bitterly resented what was probably an intentional insult on Strafford's part; 'and I believe,' says Clarendon, 'it was the loss of his head.'¹

Strafford
reconciled
to the
Queen.

Before taking leave of the King, Strafford attended a meeting of the Council, where a subscription was opened to meet his Majesty's most pressing needs, and he headed the list with 20,000*l*. He left London on March 5 in the Queen's coach and six, which shows that he had been reconciled to her, and carried with him instructions as to the Irish Parliament. The King enlarged upon the enormities of the Scots, professing himself sure of Ireland, and demanding six subsidies to be paid in three years, but holding out hopes of two being remitted if the misguided faction in North Britain should submit to his just desires. That he did not much expect such submission is clear from his determination to raise 8,000 foot and 1000 horse in Ireland, 'the better and more speedily to reduce those others in Scotland to their due obedience.' Strafford was attacked by gout at Beaumaris, but hastened over to Ireland, determined, whatever pain he might have, to be back in time for the opening of Parliament at Westminster—'I should not fail, though Sir John Eliot were

An Irish
army to
subdue
Scotland.

¹ Wentworth to Radcliffe, December 10, 1639, in Whitaker's *Life of Radcliffe*, 187. Speech on being made an Earl, January 12, 1639-40, *Strafford Letters*, ii. 390. Coke's dismissal from the secretaryship was decided before December 13, *Melbourne Hall Papers*, ii. 245. 'The King declared his resolution for a Parliament in case of the Scottish rebellion. The first movers to it were my Lord Deputy of Ireland, my Lord Marquis Hamilton, and myself'—Laud's Diary, December 5, 1639, *Works*, iii. 233, 283.

living.' Halt, lame, or blind, he would be true to the King's service, and he reflected on what he might be able to do with legs, since he was so brave without them. The Irish Parliament had been summoned for March 16, and the Lord-Lieutenant did not land until two days later. The Lords Justices and Council had already determined to ask for four subsidies, for six had been voted on a former occasion, and they feared an exact repetition lest the taxpayers might take alarm at the prospect of a recurrent charge. Nothing was actually done until Strafford arrived on the 18th, after forty-eight hours tossing in the channel. On the 19th he summoned the Council, and next day opened Parliament in state, and confirmed the election of Sir Maurice Eustace as Speaker of the House of Commons. Eustace made a pompous oration, containing six long quotations from Horace and abundance of other Latin. 'The Brehon law,' he said, 'with her two brats of tanistry and Irish gavelkind, like the children of the bondwoman, are cast out as spurious and adulterate.' Everyone rejoiced to see that the son of the free woman prevailed, and the King's subjects should boast that they only had peace, while France, Germany, Spain, and the dominions of the House of Austria were laid waste by war.¹

An Irish
Parlia-
ment,
March,
1640.

In his opening speech to Parliament, which the journals say was excellent, Strafford, having heard Wandesford and the rest, ventured slightly to vary the King's instructions. Instead of demanding six subsidies he allowed four to be moved for, and they were granted with such alacrity that he acknowledged the plan of the Council to be best, and confidently affirmed his belief that the Commons would be ready to give as many subsidies more after the first four had been levied. Some members, indeed, declared themselves ready to give the fee of their estates, if occasion required, and to leave themselves nothing but hose and doublet. The native representatives were loud in their loyalty, and there were no dissentient voices, 'all expressing even with passion how

Four
subsidies
voted.

¹ *Irish Commons Journals*; Council of Ireland to Windebank, March 19; Strafford to the King, March 23, *Strafford Letters*, ii. 394-6.

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ence of
Parlia-
ment.Declara-
tion in
praise of
Strafford.

much they abhorred the Scotch Covenanters.' Not only were the subsidies voted, but a declaration of the most extreme character was agreed to. Both Houses were ready to give their all for the reduction of the Covenanters, and desired that this should be 'published in print for a testimony to all the world and succeeding ages that as this kingdom hath the happiness to be governed by the best of kings, so they are desirous to give his Majesty just cause to account of this people amongst the best of his subjects.' To complete the Lord Lieutenant's momentary triumph, the preamble of the Subsidy Bill was a panegyric upon that 'just, wise, vigilant, and profitable governor.' He was given full credit for the Commission for defective titles, for restoring the Church and reforming the army, for his justice and impartiality, and for his 'care to relieve and redress the poor and oppressed.' On March 31 he came down again to the House of Lords in state, and gave the royal assent to the Subsidy and eight other Bills. The declaration had been entered on the Parliament roll, and Strafford took care to have some hundreds of copies printed for distribution by him in England. The clergy taxed themselves very heavily, and so a revenue was provided for some years. Strafford seems actually to have believed that the King was infinitely revered in Ireland, and that he himself was quite popular, though some spiteful people had asserted the contrary. 'God forgive their calumnies,' he said, 'and I do.'¹

¹ *Irish Commons Journals*; *Irish Statutes*, 15 Car. I.; *Strafford Letters*, March 16–April 3, 1639–40, ii. 394–403. The Declaration is in *Nelson*, i. 283. If further evidence were needed of Strafford's complete reconciliation with the Queen, we have Madame de Motteville's: 'Il avait été brouillé avec la Reine, mais depuis quelque temps il était lié à ses intérêts,' *Mémoires*, chap. 9. There is a useful itinerary for Strafford in the ninth volume of the *Camden Miscellany*. Cork says in his diary that Strafford left London very early 'to avoid the concourse of myself and many others that desired to wait upon him,' *Lismore Papers*, 1st series, v. 129.

CHAPTER XVII

STRAFFORD'S ARMY

As soon as the troubles in Scotland began it was natural that Charles should expect help from Ireland. The first proposals came from Tyrone's grandson, Randal MacDonnell, second Earl of Antrim, whose handsome person had recommended him to the widowed Duchess of Buckingham. Having conformed to the State Church to please her first husband, she reverted to her original faith to please her second. The marriage of his friend's wife was displeasing to Charles, and perhaps this made her second husband the more anxious to do some signal service, or at least to have the credit of intending it. Antrim was a man of much ambition and some cunning, but his practical abilities were small, and neither Strafford, Ormonde, nor Clarendon rated him highly. He had been 'bred in the Highland way, and wore neither hat, cap, shoes, nor stockings till seven or eight years old,' and a Highlander he remained to the end. His extravagance at Court had involved him in debt to the enormous amount of 80,000*l.*, and Wentworth believed that the sale of his whole estate would not fetch such a sum. Hatred of the Campbells was his strongest passion. In July 1638 he asked Wentworth to supply him with arms to be kept in a magazine in Coleraine ready to use in case of an invasion by the dreaded clan, and six months later he credited Argyle with the intention of getting a law passed 'that to the end of the world no MacDonnell should be allowed to enjoy a foot of land in Scotland.' Charles was doubtful how far it would be wise to entrust a magazine of arms to one of Antrim's creed, but desired the Lord Deputy and Council to 'favour him as much as anyone of his profession in religion.' In February

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Plan to
reduce the
Scots.
Lord
Antrim.

Antrim's
plan of
invasion.

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Wentworth dis-
approves
of his
schemes.

Wentworth told the King that the demand for arms had not been pressed, 'my lord of Antrim perceiving I am not ignorant of his great want of money, his credit to be so low, as not able at this very instant to take up in Dublin poor three hundred pounds.' Charles, however, wrote to Antrim, encouraging him to fit out an expedition against the Scottish isles by way of making a diversion in his favour. Windesbank prudently sent a copy of the letter to Wentworth, who was thus prepared for a sudden visit from Antrim on March 9. The Lord Deputy's caustic criticism had taken some effect, and the proposed 20,000 men were reduced to 5400, but the conditions of even this modified plan might have displeased a much more patient man than Wentworth. Among Antrim's demands were the right to appoint his own officers, power to cut timber in the royal woods, a loan of 20,000*l.*, and four of the King's ships under his own command. Twelve field pieces, bows and arrows, muskets, carbines, pistols, swords, armour, and buff coats were all to be provided by Government, and more barrels of powder than the royal stores contained. One hundred old soldiers were to be detached to drill the new levies, and Antrim talked of bringing Irish officers over from Spain.¹

Antrim's
plan is
abandoned.

Wentworth knew that the raw material of an army was plentiful in Ireland, and that 40,000 'bodies of men,' to use an old phrase of Sir Henry Sidney's—might easily be had. But to pay, feed, and train them was another matter, and no one knew better the difference between an army and a mob. Neither money, arms, material, nor drill-sergeants could be spared to such a projector as Antrim. 'I desired,' said Wentworth, 'to know what provision of victual his lordship had thought of, which for so great a number of men would require a great sum of money. His lordship said he had not made any at all, in regard he conceived they should find sufficient in the enemy's country to sustain them, only

¹ *Strafford Letters*, ii. 184, 211, 266–306. For personal details see Hill's *Macdonnells of Antrim*. Lord Deputy and Council to Coke, *Melbourne Hall MSS.* calendared by Hist. MSS. Comm. under July 1637, but apparently belonging to 1639.

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missariat.Danger of
a Celtic
army.Plans for a
diversion
in Scot-
land.

his lordship proposed to transport over with him ten thousand live cows to furnish them with milk, which he affirmed had been his grandfather's (Tyrone's) play.' It was suggested that Argyle might drive off his cattle, and that Cantire and the Hebrides were barren tracts. Antrim said his men could 'feed their horses with leaves of trees, and themselves with shamrocks.' Wentworth doubted whether there were any trees in the Western Islands, and was at all events sure that they would not be in full foliage in the early spring, so that there would be no hurry. The end of it all was that Antrim found he could not have the whole resources of the Government at his disposal. Having no money or credit, he could do nothing of himself, though the King gave him a commission of lieutenantancy over the western Highlands and islands. Wentworth saw clearly the danger of raising a force in Ireland which it would be impossible to pay. 'What sudden outrage,' he wrote prophetically, 'may be apprehended from so great a number of the native Irish, children of habituated rebels, brought together without pay or victual, armed with our own weapons, ourselves left naked the whilst? What scandal of his Majesty's service it might be in a time thus conditioned to employ a general and a whole army in a manner Roman Catholics? What affright or pretence this might give for the Scottish, who are at least fourscore thousand in those parts, to arm also, under colour of their own defence?' With a general and soldiers alike ignorant the whole scheme would be much more likely to draw a Scotch invasion upon Ireland than to strengthen the King in Scotland. Antrim had not even decided in his own mind which island to land on—any one of eighty, he thought, would do.¹

The idea of using the Irish army in Great Britain originated with Charles himself. In July 1638 he inquired what help he might expect in the event of an outbreak in Scotland. Wentworth answered that he had only 2000 foot and 600

¹ Wentworth to Windebank, March 20, 1638-9, enclosing Antrim's written proposals, *Strafford Letters*. Charles's informal commission to Antrim, dated June 5, 1639, is printed in Hill's *Macdonnells of Antrim*, Appx. 12, *Melbourne Hall MSS.*, *ut sup.*

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A garrison
for Car-
lisle.
Sir F.
Wil-
loughby.

Nucleus of
the new
Irish
army.

horse, and that it would not be safe to send away any, especially since the Ulster Scots undoubtedly sympathised with their countrymen. He would have Charles trust his English subjects, but could only recommend the most ruthless repression for Scotland. Leith might be permanently fortified and garrisoned at the expense of the Scots 'till they had received our common prayer-book used in our churches of England without any alteration, the bishops settled peaceably in their jurisdiction,' and English law substituted for Scotch. For his own part he could only propose to concentrate a large part of his small army in north-east Ulster. At the King's suggestion he raised 400 additional horse, a troop of 110 cuirassiers being given to Ormonde as the man in Ireland most able and willing to maintain them effectively. Money was sent to Holland to provide arms for the new men, and the equipment of the foot was also much improved. On October 22 Charles wrote to propose that Wentworth should provide a garrison of 500 men for Carlisle, and also some cannon if they could be spared from Ireland. The business was taken in hand at once, Sir Francis Willoughby, governor of Galway, being selected to command the expedition. The pay in Ireland was sixpence a day, in England eightpence, and Wentworth asked that they might be paid on the higher scale after crossing the channel. Charles promised, but could not perform this, though he did give some money by way of bounty, and in June 1641 the regiment was back in Ireland, and their pay heavily in arrear. Willoughby had been forty years a soldier, twenty-five in the Netherlands, and his experience at Carlisle confirmed him in the opinion that the discipline of great garrisons was best maintained by paying the men well and punishing their misdemeanours.¹

Each captain of foot was ordered to pick thirteen of the best unmarried men out of the ranks, and the number was thus made up. Scots were carefully weeded out,

¹ Willoughby to Wentworth, six letters in May and June 1639 in *Strafford Letters*; to Vane, June 18, 1641, in *State Papers, Ireland*; to Coke, July 23, 1639, in *Melbourne Hall Papers*.

lest they should be tempted to correspond with their own countrymen. The drafts were ordered to Ulster on pretence of garrisons being required for Carrickfergus, Londonderry, and Coleraine. 'For keeping a place,' said Wentworth, 'shot is of more use than pike, and without controversy muskets of more execution than calivers.' Three hundred and fifty were therefore musketeers and the residue pikemen. Willoughby landed at Whitehaven on April 1, 1639, and was at Carlisle a few days later, where he remained until all idea of fighting the Scots had been given up. His regiment was the admiration of the whole country, and commanding officers begged eagerly 'for the loan of some of our soldiers to come and learn their soldiers to exercise.' No glory was to be gained in that war, but the excellence of Willoughby's men was so evident, that Charles determined to raise a new Irish army of 8000 men, expressly 'to reduce those in Scotland to their due obedience.' Wentworth had conceived this idea long before, but he intended all the men to be Protestants, and of British extraction as far as possible. By the middle of 1639 he had not only his standing army of 3000 men in perfect order, but had provided 8000 spare arms with twelve field pieces and eight heavy guns.¹

Wentworth was in England from September to March 1639-40, and as the result of this visit steps were taken to levy 8000 foot and 1000 horse in Ireland. This was the germ of the policy which ruined both Charles I. and James II., and which has never succeeded with any statesman. To lean upon Irish Roman Catholic support in order to crush opposition in Protestant England was plainly the idea of Charles himself much more than of Strafford; for the latter saw the danger clearly enough, though he wilfully neglected it in pursuit of his 'thorough' ideal. It may be said that Strafford would have succeeded if his King had seconded him properly, but then no really able sovereign would have

9000 men
to be
raised.

Strafford
sees the
danger.

¹ *Strafford Letters*, ii. 187, 228, 244, etc. There are six letters from Willoughby to Wentworth during April and May 1639, and see his letter to Vane of June 18, 1641, in *State Papers, Ireland*; Wentworth to Cottington, February 10, 1638-9, in vol. ix. of *Camden Miscellany*.

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adopted such a scheme. Lady Carlisle has recorded that in addition to that which Charles consulted there was 'another little junto, that is much apprehended,' consisting of Strafford, Laud, and Hamilton only. 'They have met twice, and the world is full of guesses for the occasion of it.'¹

The sinews
of war.

Charles
promises
to find
money,

The King's order to raise the new army was issued on March 2, and Strafford hurried over to provide funds in Ireland; he seems really to have believed that love and not fear made the Irish Parliament so subservient as to vote what he asked for. The raising of the new men was taken in hand at once, and he hoped to have them all ready at Carrickfergus by the middle of May, and in Scotland by the end of June. He would keep them together and pay them for eighteen months, provided the King did his part. The conditions were that 10,000*l.* should be at once given to buy necessaries in Holland, and 40,000*l.* more at short intervals. 'We are resolved,' Strafford told Windebank, 'to bring as much as possible to Ireland in specie, which will give a life even to the payment of our subsidies here, by the passing of so much ready money from hand to hand, than which I assure you nothing is so much wanting in this kingdom.' The rents of Londonderry and Coleraine were to be remitted from the English to the Irish Exchequer. All powder was to be provided in England without payment. The King's ships were to keep the channel clear, two thousand foot and five hundred horse were to join the Irish army in Cumberland, and Ireland was to be relieved from payment of the garrison at Carlisle. Orders were sent to London to draw the 10,000*l.* at once, but when Strafford, suffering agony and borne in a litter, reached Coventry in the middle of April, he was told that there was no money in the Exchequer. Strafford had done his part, but the King could give him no help, and the Irish army never crossed the channel. The mere fact that it had been raised cost them both their heads.²

but fails to
do so.

¹ Lady Carlisle to Leicester, October 17, 1639, Collins's *Sidney Papers*.

² Northumberland to Leicester, December 12, 1639, Collins's *Sidney Papers*, ii. 624; Strafford to Coke, March 16, 1639-40; to the King, March 23; to Windebank and Hamilton, March 24; to the King, April 16, 1640, *Strafford Letters*.

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Danger of
enrolling
native
Irish
soldiers.

Command
given to
Ormonde.

Most of
the men
Roman
Catholics.

No one saw possible danger more clearly than Strafford, but his political position forced him into courses which in his cooler moments he knew to be desperate. To enlist no Scots was an obvious precaution, but there were other dangers not less real though more remote. The Irish, he told the King, might do good service, for they hated the Scots and their religion; 'yet it is not safe to train them up more than needs must in the military way, which, the present occasion past, might arm their old affections to do us more mischief, and put new and dangerous thoughts into them after they are returned home (as of necessity they must) without further employment or provision than what they had of their own before.' Nevertheless, his first and much safer plan of a Protestant army was forgotten, and he proceeded to impress large numbers of Irish Roman Catholics. The dreaded result followed, but before that time he had perished on the scaffold, and the evil that he had done lived after him. The command of the new army was given to Ormonde, the enrolment and preliminary drill being left to St. Leger with the title of Sergeant-Major-General. The commissioners for raising the subsidies were entrusted with the levy, and officers were appointed at once. The old army consisted entirely, or almost entirely, of Protestants, and one thousand men, drafted proportionally from each company, became the nucleus of the new force. Carte would have us believe that in consequence of these veterans 'being invested with authority or in a state of superiority over the rest of the new army, had it absolutely in their power; and it was of little or no consequence what religion the other private sentinels which composed it professed.' This might have held good if the army had been kept together with regular pay and under a stable Government. But it was the day of disbandment that Strafford feared, and it was the disbanded soldiers who made the greatest difficulty when the struggle between King and Parliament had almost paralysed the Irish Government. The bulk of the men who were raised to put down the Scotch Covenanters were Irish Roman Catholics, and would be sure to take sides against England when occasion offered. Even

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The Irish
army is
kept up
after
Newburn.

The Irish
army dis-
banded.

One
regiment
goes to
France.

the officers were to some extent open to the same objection. In the regiment raised by Colonel John Butler in Leinster Rory Maguire and Arthur Fox, both well-known in the subsequent rebellion, had companies. Theobald Taaffe was lieutenant-colonel of the regiment raised by Coote in Connaught, and Sir John Netterville had a company in that levied by Bruce in Connaught, and there were many Roman Catholics among the junior officers. The headquarters staff were all English Protestants, but their influence ceased with disbandment. There were many delays, but the whole force was at Carrickfergus by the middle of July, and a month later St. Leger was able to say that no prince in Christendom had a better or more orderly army. The rout at Newburn took place a few days later, and after the treaty of Ripon there could be no real chance of using the Irish army against the Scots. They were, however, kept together, and when the Long Parliament met in November this was not unnaturally regarded as a threatening cloud.¹

Strafford was beheaded on May 12, 1641. Four days before Charles ordered Ormonde to disband the new army, adding that to prevent disturbance he had licensed certain officers to transport 8000 foot 'for the service of any prince or state at amity with us.' These officers were Colonels James Dillon, Theobald Taaffe, John and Garret Barry, Richard Plunket, John Butler, John Bermingham, George Porter, and Christopher Bellings. Of these the first seven at least were afterwards active confederates. Bellings alone sought to secure a regiment for the French service, and, as became one who worked for Richelieu, he lost no time, but slipped away 'very quietly' with a thousand picked men before the end of June, in spite of the efforts of priests and friars. Lieutenant Flower, who understood Irish, heard a priest tell the soldiers at Drogheda that they ought to stay, though they got only bread and water. Flower said the King

¹ Wentworth to the King, July 28, 1638, *Strafford Letters*; Carte's *Ormonde*, book ii. Army List among *Carte transcripts*, vol. i., to which is appended a note that 'this army was the 10,000 men raised for the expedition into Scotland.'

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allowed them to go, to which he answered that the King was but one man. The other colonels, having to deal with Spain, were of course late, and did not appear until Bellings had gone. Then, yielding to parliamentary pressure on both sides of the channel, Charles changed his mind in August and would only give leave to the two Barrys, Porter, and Taaffe to transport a thousand men each. In the end no shipping could be had, for the English House of Commons passed a resolution against the transportation of soldiers by merchants from any port in the King's dominions. The Spaniards had no ships of their own, and so the men remained in Ireland. Colonel John Barry did manage to embark some 400 men, but his vessel never left the Liffey. There can be no doubt that the disbanded soldiers were more dangerous in Ireland than they would have been in Spain, but it is unnecessary to suppose that the parliamentary leaders had any wish to make mischief in this way. Rudyard probably expressed the ideas of the majority when he objected to strengthen France by recruiting her armies, or Spain in order to enable her to crush Portugal. 'It was never fit,' he said, 'to suffer the Irish to be promiscuously made soldiers abroad, because it may make them abler to trouble the State when they come home. Their intelligence and practice with the princes whom they shall serve may prove dangerous to that kingdom of Ireland.' He thought work could be found for them as harvesters in England.¹

Those
engaged
for Spain
are
stopped.

Sir B. Rud-
yard's
speech.

The new army of which St. Leger had been so proud had become somewhat disorderly when their pay began to be irregular. But the actual disbandment was quietly effected. Pay ceased on May 25, but the Council managed to scrape up 8000*l.*, out of the 18,000*l.* due. Each soldier was persuaded to take seven shillings as a donative and three shillings on account of pay, while 50*l.* was assigned to each company for the officers, many of whom got nothing more until the

The dis-
bandment
quietly
effected,
May 1641.

¹ The King to Ormonde, May 8, 1641, and Vane to same, August 20, Carte's *Ormonde*, vol. iii.; Council of Ireland to Vane, June 30; Petition of Irish Colonels to the King, August 8, State Papers, *Ireland*. Rudyard's speech, August 28, in *Rushworth*. Resolution of embargo in *Nelson*, ii. 477.

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Restoration. The men gave up their arms quietly, and dispersed, having been reminded that they were amenable to the law and not privileged in any way. There were no outrages, and sheriffs of counties were specially charged to keep the peace.¹

French
and
Spanish
crimps.

The disbanded soldiers in Ireland constituted a grave danger, as every one could see when the rebellion had actually broken out, and which some saw at the time of disbanding. But the other danger from great bodies of Irishmen in the pay of foreign powers seemed to many greater at the time, and was certainly not small. Antrim had failed, but Lord Barrymore had succeeded in raising men for service in England, most of whom must have drifted back to Ireland after the treaty of Ripon. Barrymore complained bitterly of a 'swarm of interloping French mountebanks who wander on their levies with titles and commissions of their own stamp and coinage, with which they are so prided up, as some of them have dared to contest for pressed men with my employed servants.' Three hundred volunteers, collected for him by an O'Sullivan were thus enticed away, and he believed that Strafford's enemy Sir Piers Crosbie was at the bottom of it all. Barrymore landed in Lancashire before the middle of June 1639, but with much less than the thousand men whom he was authorised to raise. He had no money to tempt recruits, and when his agents visited Kinsale the common people ran away as from an enemy. They took bribes from the better sort. These crimps even seized men actually engaged by the Government and employed in the public service, and appear to have taken a malicious pleasure in pouncing on English settlers whenever possible. Strafford observed that this was not the way to encourage English enterprise, nor to make intended plantations a success. If the King wanted Irish soldiers let him send over money to the regular officials, and they would do the work much better and cheaper than these Irish lords, 'who always either out of too much love to

English
settlers
pressed.

¹ An unsigned paper of May 7, 1641, as to pledging private credit for the money; Lords Justices and Council to the Sheriffs, May 21, and to Vane, June 1; Ormonde to Vane, May 21 and June 9, State Papers, *Ireland*.

their own, or out of over little knowledge of the customs of England in these cases, express some Irish manner or other, either very unseemly in itself, or pretending their own greatness, further than well consists with the modesty of subjects.' Barrymore, however, proved a brave and loyal soldier in spite of this bad beginning.¹

The Spaniards were allowed to recruit in Ireland during the whole of Strafford's reign, though he had his misgivings from the first, and though he warned Charles even before he crossed the channel for the first time. 'It had been the safer for your Majesty to have given liberty for the raising five times as many here in England; because these could not have been debauched in their faith, where those were not free of suspicion, especially being put under command of O'Neill and O'Donnell, the sons of two infamous and arch-traitors, and so likely not only to be trained up in the discipline of war, but in the art of rebellion also. Secondly, as your Majesty's deputy I must tell him, if the state of this kingdom were the same as in Queen Elizabeth's time, I should more apprehend the travel and disturbance which two hundred of these men might give us here, being natives, and experienced in their own faculty as soldiers, being sent to mutiny and discipline their own countrymen against the Crown, than of as many more Spaniards, as they sent in those days to Kinsale for relief of the rebels.' This opinion he retained to the end. He was allowed to appoint two officers, and he selected men who could be trusted to give him a true account of what went on in the Spanish Netherlands. Owen Roe O'Neill became the favourite leader of the Irish in Belgium, but Wentworth preferred Preston. Nevertheless men who were engaged for the latter's regiment very often went over to the former. The French also got no small number of Irish recruits, though they were less favoured by the Government of Charles I. Intercepted letters in 1635 showed that Paris was 'pestered with Irish of all

Recruiting
for Spain
allowed.

Owen Roe
O'Neill
and
Preston.

¹ Barrymore to Cork, May 26, 1639, *Lismore Papers*, 2nd series, vol. iv.; Wentworth to Coke, May 18, 1639, *Strafford Letters*, ii. 342; letters of Sir Adam Loftus in State Papers, *Ireland*, April 26 and 29, 1641.

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The
French
service
found
better
than the
Spanish.

sorts, from all parts,' while whole companies raised for the Spanish Netherlands 'suffered themselves to be debauched by the French ambassador, and now serve under the French colours.' Irish officers deserted the Spanish for the French service to get better and more regular pay, and Secretary Coke was clear-sighted enough to see that the Irish troops of both powers would probably turn against England in the end, 'and join together to replant themselves at home.'¹

¹ Wentworth to the King, July 16, 1633; to Preston, October 1, 1635; Coke to Wentworth, January 21, 1634-5; Colonel Thomas Preston to Wentworth, July 6, 1635, *Strafford Letters*.

CHAPTER XVIII

TRIAL AND DEATH OF STRAFFORD

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HAVING done what was required of it, the Irish Parliament was prorogued to June 1, and on April 3 Strafford sailed for the last time, leaving Wandesford behind as Deputy. The gout, which he had neglected, took its revenge at Chester, preventing him from being at the opening of the Short Parliament, and he had to stay at Bishop Wright's house for a full week. He then travelled by litter all the way to London, and reached Leicester House on April 18, where he remained, generally very ill, until August 24. Few believed that he would recover, still fewer that he would return to Ireland, and when the next session began Wandesford found that the Government was no longer feared. Of course it had never really been loved. But of the old Irish army which he had improved, or of the much larger force which he had given orders to raise, Strafford had no doubts. Ill as he was, he wrote to the King from Coventry begging him to provide the necessary funds, otherwise he would lose the fourth part of his army, and that the part most to be depended on for absolute, unquestioning obedience. Charles paid him several visits when he was unable to go out, but he did sometimes get to the Council, and it was by his advice that the King went to the House of Lords and persuaded them to declare that supply ought to have precedence of grievances. It is not quite certain how far Strafford was to blame for the fatal dissolution of the Short Parliament. He had advised that it should be called, and he urged the King not to run great risks because he could not get exactly what he wanted. But the popular fury fell upon him and Laud. Lambeth was

Strafford
leaves
Ireland.
Wandes-
ford
Deputy,
1640.

Strafford
advises the
King.

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attacked and the archbishop withdrew to Whitehall, whereupon a lady remarked: 'Black Tom hath more courage than his Grace, and therefore will not be so apprehensive as he is, nor suffer a guard to attend him, knowing he hath terror enough in his bended brows to amaze the 'prentices.'¹

The Irish
Parliament turns
against
Strafford.

When Wandesford met his Parliament on June 1, the wind had changed. Strafford was believed to be at the point of death, and the subsidies were being assessed upon an increased estimated value. This was arrived at by fixing a quota for each county, and spreading it as equally as possible upon the properties therein contained. The Government had hitherto been able to secure a majority by the votes of public servants in the Commons, but many were now absent with the army, and the Roman Catholic members were in power, nor, as it was a question of money, were they without plenty of allies. Radcliffe was in England, and it was found impossible to resist the passing of a declaration against the new method of taxation. Wandesford was forced to allow the enrolment of the document in chancery and elsewhere, and thus the administration of Supply was transferred from the Executive to the House of Commons. The constitutional point having been gained, the first subsidy was allowed to be levied as assessed, and yielded over 46,000*l*. The second and third together, raised in the old 'parliamentary way,' came to less than 24,000*l*., and the fourth was never levied at all. Seeing that he could do no better, and that the House became more intemperate daily, Wandesford prorogued Parliament on June 17 until October 1.²

The power
of the
purse.

Strafford
in Eng-
land
very ill.

Meanwhile the man upon whom the weight of both kingdoms lay was so ill that his recovery was doubtful. He could not turn in his bed, and relief was obtained by losing

¹ Strafford to the King, April 15, 1640, *Strafford Letters*, ii. 411; Gardiner's *Hist. of England*, chap. xci.; Lady Essex Cheeke to Lord Mandeville, May 16; Eighth Report of *Hist. MSS. Comm.*, appx. ii. 56 b.

² Wandesford to Radcliffe, June 12, 1640, in Whitaker's *Life of Radcliffe*. Writing to Ormonde in March, 1664-5, Sir W. Domville estimated a subsidy at 15,000*l*., *Carte MSS.* vol. xxxiv.

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twelve ounces of blood. In writing to Ormonde Wandesford mourned over the unhappy dissolution of the Short Parliament. Strafford's mind was wearing out his body, and he could hardly bear to speak of him, 'if you did not love this man well. It is true, if the favour and grace of a Prince shall recover him he shall not perish, for those are heaped upon him every day; but if the good man's heart be more willing to spend himself in great business than to contemplate his own safety, or to live upon such favours, who can help him? I know you love him, and you shall know when we hear better of him.' When he seemed to be recovering Charles paid him a visit that nearly proved fatal. Strafford left off his warm gown to receive the King, which caused a relapse and involved the loss of eighteen ounces of blood; it is surprising that the doctors did not bleed him to death. It was not till a month later, at the end of June, that Radcliffe reported steady progress towards recovery. Early in July Strafford was at Sion House, and can have derived little comfort from association with Northumberland, who disagreed with his views and believed an invasion of Scotland impossible. But Charles was determined to go to the north, and at this time intended that the Lord Lieutenant should return to Ireland and take charge of the new army. In the meantime he ordered him to attend every day at Oatlands until he himself started for York, which was not till August 20, and at that moment Wandesford was expecting him in Ireland. But Northumberland was ill, and Strafford became commander-in-chief. Conway had been routed at Newburn, and the Scots were in possession of Newcastle before the unfortunate general had time to do anything. 'Pity me,' he wrote to Radcliffe, 'for never came any man to so lost business. The army unexercised and unprovided of all necessaries. That part which I bring now with me from Durham the worst I ever saw. Our horse all cowardly, the country from Berwick to York in the power of the Scot, an universal affright in all, a general disaffection to the King's service, now sensible of his dishonour. In one word, here alone to fight with all these evils without any one to

Charles
intends to
send
Strafford
back to
Ireland,

but makes
him
General
instead.

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Strafford
at York,
Septem-
ber 1640.

help. God of His goodness deliver me out of this the greatest evil of my life.' ¹

After Newburn there was no serious attempt to fight the Scots, and Strafford never had any opportunity of showing what he could do as a general. His health was bad, his army unpaid and without enthusiasm, and the people generally but half-hearted. Even his own Yorkshiremen were anxious for a new Parliament, and many could see clearly that the Scots were upholding the cause of both nations. Still he had influence enough to get the gentlemen of the county to undertake for the payment of their train-bands, and for this last piece of service he was made a Knight of the Garter. He had now reached the utmost height to which, according to the last Roman poet, the Gods raise men in order that their fall may be the heavier. The Great Council of Peers met at York on September 25, and sat till October 28, and Strafford took an active part in the debates. He had a sharp encounter in the King's presence with the new Lord Clancarde, ending in the latter's Connaught titles being confirmed and all his privileges restored: The negotiations with the Scots were carried on at Ripon, by commissioners representing both sides, but 'the Earl of Strafford,' says Clarendon, 'had not amongst them one friend or person civilly inclined towards him.' The King wished them to meet under his eye at York, but the Scots positively refused to put themselves into the power of an army commanded by Strafford, whom they denounced as a chief incendiary. They were quite justified in saying that he talked freely of them as traitors and rebels, and desired their utter ruin. He had already suggested the use of his Irish army against them, and ten days later he offered to bring over at two days' warning 8000 foot, 2000 horse and 60 guns 'if there be shipping to convey them.' In Scotland it was believed that these troops had actually landed in England, and a battle was expected. The Scots at Ripon were so far successful

Strafford
denounced
by the
Scots.

Proposals
as to the
Irish army

¹ Wandesford to Ormonde, May 26 and 29, June 7, 12, and 30, 1640, *Carte transcripts*; Strafford to Radcliffe, July 3 to September 1 in Whitaker's *Life of Radcliffe*, p. 202.

as to have an allowance made to their forces of 850*l.* a day for two months, and to get the negotiations adjourned to London, where they would be among friends. At the head of an army whose discipline he might be able to improve Strafford was still formidable, and he had more friends in Yorkshire than anywhere else; but both King and Queen urged him to leave this comparative safety, and to trust himself in London. After looking his last on Wentworth Woodhouse, where he spent three or four days, he set out for the south, having the King's written assurance that he 'should not suffer in his person, honour, or fortune.'¹

'I am to-morrow to London,' wrote Strafford to Radcliffe, 'with more dangers beset, I believe, than ever any man went with out of Yorkshire.' He arrived on Monday the 9th, rested the next day, and on Wednesday morning went down to the House of Lords. That he intended to attack the Parliamentary leaders is clear, but the plan was not mature, and he went away without speaking. This gave Pym his chance, and later in the day he appeared to impeach Strafford and demand his arrest. The accused man was with the King, but he hurried back to the House as soon as he knew what had been done. He was not allowed to speak, and had to kneel at the bar, when he was told that he must remain in custody until he had cleared himself from the Commons' charges. The Usher of the Black Rod, James Maxwell, a Scotchman, took his sword and carried him off in his coach. Baillie, who gloats over the fallen statesman, notes that he had to walk some distance through gazing crowds, 'no man capping to him, before whom that morning the greatest of England would have stood discovered.' Maxwell was not a severe gaoler, and for a while his prisoner had many visitors, but the Commons objected, and a few

Strafford
under
arrest,
Nov. 1640.

¹ Minutes of York Council in *Hardwicke State Papers*, ii. 241, 284, September 29 and October 18, 1640; Answer of the Scots Commissioners, October 8, in *Rushworth*, iii. 1292; Whitaker's *Life of Radcliffe*; *Baillie's Letters*, October 1, i. 257; Clarendon's *Hist. of the Rebellion*, ii. 107; Ulick Earl of St. Albans and Clanricarde to Windebank, York, October 26, 1640. *Hardwicke State Papers*, ii. 207.

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XVIII.Strafford
sent to the
Tower.Impeach-
ment of
Radcliffe.Wandes-
ford's last
session,
Oct. 1640.A com-
mittee
sent to
England.The Irish
Parlia-
ment
repudiate
Strafford.

days later he was sent to the Tower, of which another Scot, Sir James Balfour, was Lieutenant. Balfour, whom Baillie calls 'our good kind countrieman,' might be trusted to obey the orders of the House. Ultimately Strafford was confined to three rooms, in the outer one of which was a guard, and no visitors were admitted to see him without the Lieutenant's special permission. It must, however, be supposed that he was allowed some exercise. Communication of any kind was forbidden with Sir George Radcliffe, who was soon brought to London and imprisoned in the Gatehouse. Clarendon is probably quite justified in saying that the object of impeaching Radcliffe was to prevent Strafford having his help as a counsellor or witness. When the principal was once condemned, it was not found worth while to continue proceedings against the accessory.¹

The Irish Parliament was prorogued from June to October, when Wandesford found it as unmanageable as before. The House of Commons lost very little time in attacking the method of levying the subsidies, and then agreed to a Remonstrance which criticised adversely all Strafford's policy, and formed the basis of the charges at his trial. This document was presented to the Lord Deputy, and he was several times asked for an answer. While waiting for this, the House appointed a committee of twelve members to go to England and represent the Irish case there. Clarendon says, and there can be no doubt of the fact, that Strafford's fate was largely determined by the conduct of this committee, who kept up communications between the revolutionary wire-pullers on both sides of the channel; some of the members were afterwards engaged in the Irish rebellion. They were empowered to call for all public papers in Ireland, and to have copies free of charge. The Remonstrance was carried over by them, and was reported to the English House

¹ 'His Lordship was called into the House as a delinquent, and brought to the bar upon his knees, I sitting in my place covered'—Cork's Diary, November 11, 1640, in *Lismore Papers*, 1st series, v. 164; *Rushworth*, viii. 1-15, from November 6 to 30, 1640; *Baillie's Letters*, i. 276, December 2; and 282, December 12, *Strafford Letters*; and November 5 in Whitaker's *Life of Radcliffe*, p. 218.

of Commons a few days later. On the next day Wandesford gave his answer by proroguing Parliament. During the recess, by the King's special order, he had the journals brought before the Council, and there in the presence of several members of Parliament, tore out the two orders relating to the subsidies. Afterwards, when the tide had turned hopelessly against Strafford, Charles ordered the leaves to be reinserted, but they do not appear in the printed journals. The Lords were surprised by the sudden prorogation, but most of those who were in Dublin met and deputed Lords Gormanston, Dillon, and Kilmallock to carry their grievances to London. When Parliament reassembled this action was confirmed, and Lord Muskerry was added to the number.¹

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Wandesford died three weeks after Strafford's arrest. The autopsy showed that his heart was diseased, so that distress of mind may have killed him, though his daughter does not say so. He was not long enough at the head of affairs to make much figure in Irish history, but he was an upright judge, made many reforms in the Rolls Court, and seems to have been generally liked. He advised his son to lead a country life, excusing himself for having done the contrary. 'The truth is, my affection to the person of my Lord Deputy, purposing to attend upon his lordship as near as I could in all fortunes, carried me along with him wherever he went, and no premeditated thoughts of ambition.' Bramhall attended him on his deathbed and preached his funeral sermon in Christchurch. His daughter says there were not many dry eyes among the multitude present, and 'the Irish did set up the lamentable hone, as they call it, for him in

Death of
Wandes-
ford,
Dec. 3,
1640.

¹ *Irish Lords Journal*, February 18, 1640-41; *Irish Commons Journal*, November 7, 11, 12, 19, 1640, February 10, 1640-1. The Remonstrance is printed in the Journal and also in *Rushworth*, viii. Lords Justices and Council to Vane, February 13, 1640-1, in *Cal. of State Papers, Ireland*. On January 26, 1640-1, the Irish Commons voted 5,086*l.* for the expenses of the London Committee, which consisted of Sir Donough MacCarthy, Sir Hardress Waller, Sir Roebuck Lynch, Sir James Montgomery, John Walsh, N. Plunkett, N. Barnewall, Richard Fitzgerald, Simon Digby, Geoffrey Brown, and Edward Rowley.

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XVIII.Trial of
Strafford,
March-
April, 1641.

the church, which was never known before for any Englishman.¹

The trial of Strafford, with the intrigues and discussions leading to it, belongs to the general history of these islands. The impressive scene in Westminster Hall has been dwelt on by historians, and is indeed of surpassing interest. The King and Queen were present throughout, and the concourse was such as England had never seen till then. Even hostile witnesses have testified to the inimitable life and grace with which the prisoner under every disadvantage maintained his cause against the accusing Commons, and before judges who had little sympathy with him. Lord Cork, though only a peer of Ireland, had been called up by writ, and Baillie noticed that he sat covered daily, his black cloak being conspicuous among the coloured robes. As the trial proceeded Strafford's courage and eloquence gained him many supporters; the ladies were all on his side, and the Queen had ample opportunities of admiring his beautiful white hands. His object was to show, and it is generally thought he succeeded in showing, that no single count of the impeachment amounted to treason, and that he was entitled to an acquittal even if every charge was proved. In Fuller's homely phrase, no number of frogs will make a toad. The Commons, on the contrary, maintained that he had persistently striven to upset the fundamental laws, that there was a cumulative force in repeated offences, and that he ought to die the death of a traitor.²

Not guilty
of treason
in the
ordinary
sense.

¹ Wandesford's *Book of Instructions* to his son George, Cambridge, 1727. *Autobiography* of Mrs. Alice Thornton, Surtees Society, 1875. Wandesford's letters have not been collected, but seventeen are printed in the *Cal. of Ormonde MSS.*, Hist. MSS. Comm., 1902.

² Strafford's trial occupies Rushworth's eighth volume. The report in Howell's *State Trials* is founded upon *A Brief and Perfect Relation of the answers and replies of Thomas Earl of Strafford*, London, 1647. A third contemporary account is in *Baillie's Letters*, i. 313-353. These three are the reports of eye-witnesses. The historian May was probably also present; his book was licensed May 7, 1647, and has some touches not found elsewhere. Nalson was an infant when Strafford died, and his account, which was published after Rushworth's, has no independent value. Madame de Motteville (*Mémoires*, chap. ix.), reporting Henrietta Maria's conversation, says Strafford 'était laid, mais assez agréable de sa personne; et la Reine,

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XVIII.The
articles of
impeach-
ment.Strafford's
line of
defence.

The articles of Strafford's impeachment were twenty-eight in number, and of these seventeen, from the third to the nineteenth, bore directly upon his government in Ireland. The third article charged that he had in a public speech in 1634 declared that Ireland was a conquered nation, and that the King might do what he liked there; and that the charters of cities were obsolete and at the royal discretion. This was proved by several witnesses, of whom Cork was one, who declared that he had come to England with Strafford's leave, that he had determined to make no complaint, and that he had purposely left all his papers behind him. The answer to this evidence was that Ireland was in fact conquered, that the charters had been often violated, and that the object of his dealing with the corporation of Dublin was to encourage the English Protestants who had been depressed by native competition and combination. All that he had done, however, was at most a misdemeanour, and no treason. In support of the fourth article, which declared that the prisoner had seized property by Order in Council, Cork deposed that this had been done in his case, that he had tried to appeal to the law and 'that my lord of Strafford answered "call in your writs, or if you will not, I will clap you in the Castle; for I tell you I will not have my orders disputed by law nor lawyers"''; and that on another occasion the Lord Deputy had told him that he would make an Act of State as binding as an Act of Parliament. There were other witnesses on the latter point. Strafford replied that there was no breach of Magna Charta, since the law and custom of Ireland had been followed, and that during the long interval between Parliaments it was necessary to depend upon the action of the Executive. The

me content toutes ces choses, s'arrêta pour me dire qu'il avait les plus belles mains du monde.' May says many thought of Ovid's lines: 'Non formosus erat, sed erat facundus Ulysses, et tamen æquoreas torsit amore deas'—Earl of Cork's Diary in *Lismore Papers*, v. 164, 170, 176. 'The natural pity and consideration of women, sympathising with his afflictions, with sadness of his aspect, their facility with his complacences, their lenity with his pathetic oratory'—Earl of Strafford characterised, 1641, *Somers Tracts*, iv. 231.

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fifth and sixth articles dealt with Lord Mountnorris's case, which has been sufficiently discussed, and the eighth with the Loftus case and other accusations of arbitrary treatment by the Lord Deputy and Council, the general defence being that they had acted according to the established custom of Ireland. The ninth article contained a charge of unlawfully stretching the secular arm to support the power of certain bishops. One case was proved, but Strafford answered that he had discontinued the practice when he found its legality was doubtful.

Strafford's
financial
measures :
the
customs.

The tenth article charged Strafford with procuring the customs to be farmed, and the rates upon merchandise raised for his own profit. The facts could scarcely be denied, but the accused was able to show that he had objected to having a personal interest in the revenue, and that he was persuaded to do so by Portland as the only means of inducing other speculators to undergo the risk. The twelfth article attacked the tobacco monopoly which Strafford had created by proclamation, and the thirteenth with doing something of the same sort in the case of linen. He looked upon tobacco as a superfluity, and therefore a fit subject for heavy taxation, but there can be no doubt that many traders suffered severely. The linen business had always existed in Ulster, and he tried to improve and regulate it, but no doubt he went too fast and much hardship was caused. 'He did observe,' he said, 'that the wool of that kingdom did increase very much, that if it should there be wrought into cloth, it would be a very great prejudice to the clothing trade of England, and therefore he was willing, as much as he might lawfully and fairly, to discourage that trade; that on the other side, he was desirous to set up the trade of linen cloth, which would be beneficial there and not prejudice the trade of England.' He made rules for the management of the manufacture which he believed would greatly add to its value, but they had turned out too rigid for the working people, who could not so quickly be induced to change their habits. He had himself lost 3000*l.* by his share in the business.

Tobacco
and linen.

Strafford
dis-
courage
Irish
woollens.

The fifteenth article charged that Strafford did traitorously

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quartered
on private
persons.Strafford's
arbitrary
acts sup-
ported by
prece-
dents.The Black
Oath.Opinion
of the
judges.Fear made
the
Commons
cruel.

'by force of arms and in a warlike manner' strive to subdue Ireland to his arbitrary will by quartering soldiers upon private persons without warrant of law. Hallam thought this came nearer treason than anything of which he was accused, but that the cases proved were too few to constitute levying war. There was much hearsay evidence, but enough was proved to make out a strong case. Edmond Byrne testified that soldiers were quartered on him by the Lord Deputy's order for not paying 'a pretended debt of a matter of ten pounds' to a Mr. Archibald, and that they had done him damage to the value of 500*l*. The sixteenth article was directed against Strafford's system of denying appeals to England except through himself, and of preventing anyone from leaving Ireland without his leave. In this, as in many other things, he had found the practice in existence, and had carried it further than his predecessors, so that it was thought worthy of special complaint in the Remonstrance of the Irish Parliament. The nineteenth article was concerned with the imposition of the Black Oath on the Ulster Scots, and the fact was undeniable; but Strafford pleaded danger from the Covenant which bound 100,000 people in the North to their near neighbours and fellow-countrymen across the channel. The seventh, eleventh, fourteenth, seventeenth and eighteenth articles were postponed, and in the end were not proceeded with at all, and it was a Bill of Attainder and not a verdict of the Lords on the Impeachment that brought Strafford to the scaffold. It may be granted that none of the charges taken separately amounted to treason, but the Lord Chief Justice 'delivered the opinion of all the judges present upon all that which their Lordships have voted to be proved that the Earl of Strafford doth deserve to undergo the pains and forfeitures of High Treason by law.' It is evident that the majority of the Commons were determined to have the Lord Lieutenant's head, for they did not feel safe as long as he lived. St. John brutally said that the laws of chase were not for him, and that he should be hunted down without mercy as a beast of prey. 'Stone dead hath no fellow,' was Essex's answer when Hyde suggested a milder penalty.

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Nor can it be said that the fears of the Puritan party were unfounded. The King, after hearing every word of the evidence, admitted that Strafford was unfit to hold even a chief constable's place; but Charles was not to be trusted, and his word gave no guarantee that the hated statesman would not again be a minister and at the head of an army.¹

The Irish
army fatal
to
Strafford.

Of all the causes for fear the greatest was the existence of the Irish army, which Charles repeatedly refused to disband. Strafford was accused on the authority of Vane's famous notes of saying that it might be used to 'reduce this kingdom,' and these words, if truly reported, were uttered in England. Yet Scotland was probably intended, and the choice of Carrickfergus as a rendezvous pointed in that direction. But it is not likely that the plan would have been too scrupulously observed, and Willoughby's mission to Carlisle showed that there was no pedantic objection to employ troops from Ireland upon English ground. 'Strafford's pride,' says Clarendon, 'was by the hand of heaven strangely punished by bringing his destruction upon him by two things that he most despised, the people and Sir Harry Vane.' There is no mystery about the proceedings of the Commons, and not much about that of the Lords, but there was nothing to prevent the royal consent to the Bill of Attainder being withheld. Some episcopal casuists, of whom Ussher was not one, gave advice for hearkening to which Charles never forgave himself. The fact that he had fears for his family, and especially for his wife, is really no defence at all. He surrendered the right to pardon, which is the most precious privilege of monarchy, and the same day that he passed the fatal Bill, too agitated perhaps to know what he was doing, he consented to another providing that Parliament should not be dissolved without its own consent. He himself killed prerogative, and after he had done so defied the assembly he had perpetuated by attempting to seize the

Charles
consents to
Strafford's
death,

and per-
petuates
the Parlia-
ment.

¹ *Lords' Journals*, May 6, 1641: 'In equity Lord Strafford deserves to die' as a subverter of fundamental laws—'Ingeniosissime nequam et in malo publico facundus,' Falkland's minute book in Lady Theresa Lewis's *Friends of Clarendon*, i. 207.

five members. If the royal power was after that to be restored in his person it could only be by success in war. On the day after Strafford's execution Charles wrote to Ormonde that he had decided to disband the Irish army.¹

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Execution
of Strafford
and disband-
ment of
his army,
May 1641.

Character
of Strafford.

Strafford was a very great man ; but he failed completely, and it is not difficult to see why. His scheme of prerogative government depended upon the personality of Charles I., and the minister's qualities were not such as could make people forget the monarch's defects. In his determination to establish the Laudian system of what Petty afterwards called 'Legal Protestantism,' he made enemies of Roman Catholics and Puritans alike. Strafford had read law, had a fair knowledge of the classics and of English and French literature, and understood Scotch and Continental affairs. He wrote and spoke brilliantly, trusting much to his memory, which served him very well. For some years he wielded greater power than any servant of James or his son, Buckingham only excepted. He warned the King against war with the House of Austria for the Palatinate, because it would necessarily weaken him at home, and in private he gave the strong reason that Charles would be driven by war to raise money illegally without restraint. Strafford was very English in his views, and cared little for foreign opinion ; but he would never have insulted the Prime Minister of Spain, nor made love to the Queen of France. He was an immeasurably abler man than Buckingham, but resembled him, to use Clarendon's words, in that 'he never made a noble and a worthy friendship with a man so near his equal that he would frankly advise him, for his honour and true interest, against the current, or rather the torrent of his impetuous passions.' Apart from his great office Laud was not his equal, and it may be doubted if Conway, with whom he was on

¹ *Lords' Journals*, May 10, 1641. 'The Primate of Ireland, who is no complimenter, reported afterwards to the King that he had then first learned to make supplications aright to Godward, and withal told his Majesty that he had seen many die, but never such a white soul (this was his own expression) return to his maker. At which words the King was pleased to turn himself about and offer a tear to his memory—tantorum mercede bonorum'—*Brief and Perfect Relation*, p. 97.

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intimate terms, ever gave him any advice at all. Wandesford and Radcliffe were clever men, but mere echoes of their master, and Ormonde was too young to have much weight. Even Laud cautioned Strafford against making powerful enemies by his high-handed methods. His doctrine was that no subject could have any power against the King, or against his substitute in Ireland and Yorkshire. He spoke with scorn of Sir Edward Coke and his year-books, drew all important business into the Castle-chamber, and openly declared that while he had power Orders in Council should bind as fast as Acts of Parliament. Clarendon, who was essentially a common lawyer, has recorded his judgment against this policy in both islands. What recalcitrant juries or sheriffs had to suffer may be gathered from the Galway case. Strafford took credit for a rise in the price of land while he governed Ireland, but the same thing happened under Cromwell; for order gives security, and Plutus is a very timorous person. His work soon crumbled away, as the work of despots generally does, for who can secure a fitting successor? Marcus Aurelius was followed by Commodus. Strafford professed to rule for the benefit of the whole community, and probably the poor did really benefit by his firm hand; but he was hated by the official class and by most men who had anything to lose. His letters to his third wife are affectionate enough, but he did not consider her his equal in any way, and the want of intelligent female friendship was supplied by Lady Carlisle in England and by Lady Loftus in Ireland. The first famous lady is described by her friend, Sir Toby Matthew, as having no passion at all, and the latter must have been constantly under the eyes of Radcliffe, who declares his belief that there was nothing wrong; but Strafford was so much hated that every hostile report was long accepted as fact. Perhaps his unpopularity is sufficiently accounted for by Sir Philip Warwick, who knew him and who was one of the fifty-nine members of the House of Commons who voted against the Bill of Attainder. All his powers and acquirements, says that staunch royalist, were 'lodged in a sour and haughty temper; so as it may probably be believed, he

expected to have more observance paid to him than he was willing to pay to others, though they were of his own quality ; and then he was not like to conciliate the good will of men of the lesser station.' But he had a few friends who loved him, and his relations to his own family leave nothing to be desired.¹

¹ Sir P. Warwick's *Memoirs*, p. 110. Clarendon's *Hist. of the Rebellion*, ii. 101 ; iii. 204. 'A wise and promising face . . . yet a dark and promiscuous countenance, clouded, unlovely, and presaging an envious and cruel disposition,' The Earl of Strafford Characterised, 1641, *Somers Tracts*, iv. 231 ; and the often printed lines 'Here lies wise and valiant dust,' etc., *ib.* 297. Strafford is at his best in the beautiful letter to Lady Clare, August 10, 1639, and in that to his son from the Tower, April 23, 1641, *Strafford Letters*, ii. 381, 416 ; and see his character by Radcliffe, *ib.* p. 433.

CHAPTER XIX

THE REBELLION OF 1641

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Parsons
and
Borlase
Lords
Justices,
Feb. 10,
1640-1.

The Irish
Parlia-
ment turn
against
Strafford.

Radcliffe
and the
Irish Com-
mittee.

As soon as Wandesford's death was known Robert Lord Dillon and Sir William Parsons were appointed Lords Justices. As Master of the Wards Parsons had been useful in increasing the revenue, and he was an able official, though he has a bad name on account of his dealings with land. Dillon, whose son had married Strafford's sister, had been Lord Justice before, and was obnoxious to the Irish Committee in London; he was therefore quickly superseded in favour of Sir John Borlase, who was a soldier without political experience, and not young enough to learn. Wandesford's daughter, who was nearly fifteen when he died, says that these two old gentlemen 'having lived in Ireland many peaceable years could not be made sensible that the Irish had an ill-design against the English,' and perhaps that is not far from the truth. They were fully occupied at first with the difficulties made by the Irish Parliament. Strafford was in the Tower, and the two Houses who had been his very humble servants now joined in protesting that the complimentary preamble to the Act of Subsidy was 'contrived, penned, and inserted fraudulently without the privity of the House either by the said Earl of Strafford himself or by some other person' by his orders. Ormonde spoke against this, but in vain. The London Committee worked in the same direction, though Radcliffe, prisoner as he was and without papers, made a good case against them. They told the King that they had heard 'with terror and amazement' of Wandesford's tearing the leaves out of the journals, and maintained that the subsidies, if raised according to his plan, would be more than the country could bear, while the ports were closed so as to prevent access to his gracious Majesty.

Radcliffe showed that the trade of Ireland had doubled during Strafford's reign, and maintained that substantial justice had been done. The late Remonstrance of the Irish House of Commons had been rushed through and did not represent the facts. To this the Irish Committee replied that Radcliffe was a member, and had not risen in his place to object, that many illegal acts had been done, and that the mild government which preceded Strafford's had allowed Ireland to grow rich, while he had only reaped the harvest.¹

Owing probably to the confusion among the official class and to the absence of some officers with the new army in Ulster, the Roman Catholics had a majority in Parliament during the early months of 1641. There were able lawyers among them who drew up a paper of queries or interrogatories which they sent up to the Lords for the opinion of the judges. The first shows the line taken: 'Whether the subjects of this kingdom be a free people, and to be governed only by the common laws of England, and statutes of force in this kingdom?' This the judges answered generally in the affirmative, pointing out that both in England and Ireland there was necessarily a certain amount of judge-made law to meet cases not covered by statute. The general drift of the queries was to dispute the jurisdiction of the Council and the Star Chamber. By what law, runs the sixteenth query, 'are jurors, that give verdict according to their conscience and are the sole judges of the fact, censured in the Castle-chamber in great fines, and sometimes pilloried, with loss of ears, and bored through the tongue, and marked sometimes in the forehead with an hot iron; and other like infamous punishments?' The judges did not deny the facts, but maintained that perjured jurors were properly censurable in the Castle-chamber, and they made a not very successful attempt to derive this jurisdiction from writs of attainat at common law. The House of Commons were not satisfied with the

Roman
Catholic
majority.

The
queries.

¹ Alice Thornton's *Autobiography*; *Irish Lords Journals*, February 22, 1640-1; Petition of the Irish Committee to the King, Cal. State Papers, *Ireland*, 1640, addendum; Radcliffe's answer to the Committee, *ib.* January 9, 1641, and their rejoinder, *ib.* February 12.

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Proroga-
tion,
March,
1640-1.

Impeach-
ments.

judges' answers, and made a declaration disposing of each query in their own sense.¹

Parliament was prorogued from March 5 to May 11, having previously appointed a committee to draw up articles of impeachment against Lord Chancellor Bolton, Bishop Bramhall, Chief Justice Lowther, and Sir George Radcliffe. Owing to the progress of events all these impeachments were dropped, and the question as to the Irish House of Lords' judicial powers was not decided. Before the Houses re-assembled the King had written to confirm all the graces and to suggest a Bill for confirming sixty-year titles in Connaught, Clare, Limerick, and Tipperary. But no legislation issued from the confused wrangling of those days, during which Ormonde showed great capacity for obstructive tactics. When Captain Audley Mervyn and others appeared as managers for the Commons Bolton received them with great courtesy, then returned to the Woolsack and declared himself impeached, protesting that he should never dream of disputing their Lordships' jurisdiction. Thereupon Ormonde raised a point of order. The Chancellor, he said, was accused and therefore debarred from acting as speaker, and as there was no power to appoint another nothing could be done. Bolton at last entered into recognisances and the prorogation took place next day.²

New
session,
May 11,
1641.

When a fresh session began the Commons were more unmanageable than ever. They asked the Lords Justices to let them search the Castle, lest Strafford's servants should blow them all up in revenge for their master's death. Borlase as Master of the Ordnance positively refused to show 'the King's most precious jewels,' but assured them on his honour that there was no powder under either House of Parliament, which was no doubt the fact. The Lords Justices found that Strafford had died in debt to the Crown, and proposed repayment out of the tobacco, while the Commons urged that

¹ *Irish Commons Journals*, February 16, 1640-1. The queries, with the answers and declaration of the Commons, are in *Nelson*. ii. 572-589.

² *Irish Commons Journals*, 1641, p. 211; *Irish Lords Journals*, February 27, March 4.

no tobacco seized after his attainder should be confiscated. The weary chief governors were glad enough to have a recess from July 14 to November 9. Before the latter date the rebellion had broken out, but the Lords Justices were saved the trouble which would have followed the return of the Irish Committee at the end of August.¹

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As early as 1611 Sir George Carew had foretold that the dispossessed natives of Ulster would some day rebel, that there would be a war of religion, and that the Protestant settlers would be surprised. The Irish exiles in the Spanish service had ever since been a source of apprehension, and abortive plots were laid from time to time both in Spain and in the Netherlands. Communications by way of England were always possible, and Clarendon thought much mischief was done by the Committee from the Irish Parliament, 'consisting most of Papists, and since the most active in the rebellion.' In July 1640 a cipher code was established between Sir Phelim O'Neill in Ulster and Owen Roe O'Neill in Flanders, who received a visit from Hugh MacPhelim, afterwards one of the leaders in Ireland. O'Byrne observed that they were risking their lives daily to 'succour a scabbed town' for the Spanish king, and that they would be no worse off fighting for their own country. It was believed that Ulster and Munster would join together. Nor was the English Government without suspicion, for Vane, by the King's orders, warned the Lords Justices a little later that an unspeakable number of 'Irish Churchmen had passed from Spain to England and Ireland, and some good old soldiers,' on pretence of recruiting, but that rumours of a rebellion, especially in Connaught, circulated freely among the friars. It was not, however, until about a fortnight before the insurrection that anything particular was noticed in Ireland itself. It was reported to Sir William Cole at Enniskillen that there was an extraordinary resort of the Irish gentry to Sir Phelim O'Neill's house, Lord Maguire being specially active in journeying

A rising in
Ulster
foretold.

The Irish
in
Flanders.

Vane's
letter,
March,
1640-1.

¹ *Irish Commons Journals*, June 7, July 10. The story about the powder is from Borlase's *Rebellion*, ed. 1680, p. 12; he is not a very good authority, but on this occasion is speaking of his father's action.

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Sir W.
Cole's
letter,
Oct. 11,
1641.

Meeting at
Multifarn-
ham.

to and fro. A few days later he was informed by Hugh Maguire that many of his clansmen and neighbours were recruiting actively for the King of Spain's service in Portugal. In itself this did not mean much, but great secrecy was observed, and Sir William reported what he had heard to the Lords Justices, who advised him to be vigilant. In the meantime there had been a great gathering of Roman Catholic clergy and laity at Multifarnham in Westmeath, but this was not known until later, though the Irish Council were aware that there was 'great underhand labouring among the priests, friars, and Jesuits' to prevent Strafford's disbanded soldiers from leaving the country. At the Multifarnham meeting it was debated what should be done to the Protestants, and there was much difference of opinion. The only extant account rests upon the statement of a Franciscan guardian, who was present, as reported on oath by Dr. Henry Jones. Some of those assembled, the Franciscan spokesman among them, were for turning all the Protestants out of Ireland with some portion of their goods. This had been the policy of the Spanish kings towards the Moors. Others were for killing them all, and these maintained that the mercy, such as it was, of the two Philips was misplaced, and had caused all the misery which Christendom suffered from the rovers of Sallee and Algiers. A third party were for killing some and expelling the rest. The heretics once got rid of, no religion but that of Rome was to be allowed in Ireland, the King was to be reduced to his hereditary revenue, and the clergy to have representatives in Parliament. Poynings' Law was to be repealed, and the kingdom entirely separated from England, civil authority resting in the hands of the ancient chiefs and nobility, each being absolute in his county or barony, but responsible to a native Parliament. The Earl of Kildare, who was an ardent Protestant, was to be removed, and all plantation lands restored to the previous owners. An army was devised consisting of contingents out of each chiefry, and a navy manned by an order like the Knights of Malta.¹

¹ Examination of Henry Macartan, quartermaster to Owen Roe O'Neill, February 12, 1641-2, *Contemp. Hist.* i. 396; Vane to the Lords Justices,

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Rory
O'More.Lord
Maguire

On October 21 Cole received more precise information about a plot to seize Dublin and other strong places, and he sent at once to the Lords Justices with the news; but the letter never reached them, having doubtless been intercepted by some of the conspirators. Early in 1641 it had occurred to Roger or Rory O'More that the King's difficulties in Scotland might give an opportunity to Catholic Ireland. O'More belonged to the remnant of the sept which had once ruled in Queen's County, but was settled at Ballina near the northern extremity of Kildare. He was an accomplished man and a persuasive speaker both in English and Irish, and had a great reputation in the country. By his marriage with a daughter of the noted Sir Patrick Barnewall he had many connections in the Pale. Colonel Richard Plunket was married to his wife's first cousin. The meeting of Parliament gave O'More an opportunity of speaking to Lord Maguire, an extravagant young man of twenty-five, who, having married a Fleming, had influence in the Pale as well as in Ulster, and whose embarrassments disposed him to desperate courses. 'He began,' said Maguire afterwards, 'to lay down the case that I was in, overwhelmed in debt, the smallness of my estate, and the greatness of the estate my ancestors had, and how I should be sure to get it again or at least a good part thereof; and, moreover, how the welfare and maintaining of the Catholic religion, which, he said, the Parliament

March 16, 1640-1, Cox's *Hibernia Anglicana*, ii. 65; Cole to the Lords Justices, October 11, 1641, printed in *Nelson* and elsewhere; Lords Justices and Council to Vane, June 30, 1641, State Papers, *Ireland*; Deposition as to the Multifarnham meeting, May 3, 1642 (misprinted 1641), in *Hickson's Seventeenth Century*, ii. 355. Temple produces evidence as to the rebellion being threatened long before it actually happened, O'More himself having admitted as much, p. 103. Patrick O'Bryan of Fermanagh swore on January 29, 1641-2 'that he heard Colonel Plunket say that he knew of this plot eight years ago, but within these three years hath been more fully acquainted with it'—*Somers Tracts*, v. 586. Lieutenant Craven, who had been a prisoner with the Ulster Irish, was prepared to swear that on March 3, 1641-2, he had heard Bishop Heber Macmahon tell his friends that he had planned the rebellion years before, and knew from personal knowledge that all Catholic nations would help; urging them to persevere and extirpate heresy. Macmahon repeated this at Monaghan in January 1643-4—*Carte MSS.* vol. lxiii. f. 132.

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Hugh
Mac-
Mahon.

Military
conspira-
tors.

now in England will suppress, doth depend on it.' These were the arguments used everywhere, and the miserable condition of the Irish gentry in Ulster made them ready listeners. Hugh MacMahon, one of the chief conspirators, complained bitterly of the 'proud and haughty carriage of one Mr. Aldrige, that was his neighbour in the county of Monaghan, who was a justice of the peace and but a vintner or tapster few years before, that he gave him not the right hand of fellowship at the assizes nor sessions, he being also in commission with him.' O'More brought the Ulstermen together in Dublin, and visited the northern province himself. Lord Mayo was also expected to join, and help was confidently expected both from France and Spain. John O'Neill, calling himself Earl of Tyrone, a colonel in the Spanish service, was killed in Catalonia about this time, after which Owen Roe was looked to as the real chief, and Sir Phelim as the principal man of his clan until the other arrived. It was not till August that the plot to seize Dublin Castle took definite shape, the idea originating with the soldiers of fortune who were disappointed in their design for carrying Strafford's army abroad. Parsons saw the danger of keeping these men in Ireland, but the Irish Parliament was largely under clerical influence, and that was exerted to prevent them going. Colonels Sir James Dillon, Hugh MacPhelim O'Byrne, and Richard Plunket were most active, and October 5 was fixed for the attempt. Delays occurred causing a postponement to the 23rd, and in the meantime a messenger came from Owen Roe, who said he had positive promises from Richelieu, that he was ready to join the insurgents as soon as possible. On October 15 Sir Phelim O'Neill, Lord Maguire, O'More, Ever Macmahon and Captain Brian O'Neill, Owen Roe's envoy, met to make final arrangements. One hundred picked men from Leinster, under the guidance of O'More, were to take the little gate of the Castle, the main entrance being left to Maguire and one hundred Ulstermen. Sir Phelim was to go home and take Londonderry at the same moment, which he signally failed to do. The afternoon of Saturday the 23rd was the chosen time, for it was market day, and the

presence of strangers would be less noticed. On the previous evening Maguire, O'Byrne, Plunket, Fox and others met, but it was found that only eighty men had been provided instead of two hundred, Sir Phelim and others failing to send their contingents. They resolved to go on with what force they had, and to meet again next morning; but late in the evening O'More and Fox came to Lord Maguire's lodgings and told him that all was discovered.'¹

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The plot
discovered.

Hugh Oge Macmahon, a grandson of the great Tyrone, who had been a colonel in the Spanish service, lived on his property near Clones in Monaghan. He had a relation named Owen O'Connolly, belonging to the same county but employed by Sir John Clotworthy, married to an Englishwoman, and apparently a sincere Protestant. Some six months before the outbreak, when Macmahon complained to him of his neighbour Aldrige's behaviour, O'Connolly replied that a conquered people must submit; to which the other retorted that he hoped they would soon be delivered from the slavery and bondage under which they groaned. O'Connolly warned him against engaging in plots, and advised him to report what he knew to the Lords Justices, 'which would redound to his great honour.' He refused to have anything to do with the business, and told several magistrates what he had heard, but they neglected it as baseless gossip. Finding that he had gone too far, Macmahon promised to move no more in the matter, and the kinsmen did not meet again until October 22, on which day O'Connolly, who had been summoned by letter, rode sixty miles and reached Dublin at seven in the evening. Macmahon took him to Lord Maguire, who disclosed the whole plot. Strafford had stored arms for 30,000 men in the Castle, with which the conspirators expected to free the country easily. 'And whereas,' said Maguire, 'you have of long time been a slave to that Puritan Sir John Clotworthy, I hope you shall have

Owen
O'Con-
nolly.

O'Con-
nolly dis-
closes the
plot.

¹ Lord Maguire's Relation, written by him in the Tower (after August 1642) printed from the Carte Papers in *Contemp. Hist.* i. 501. Parsons to Vane, August 3, State Papers, *Ireland*. Temple's History is valuable here, for he was present in Dublin and signed the proclamation on October 23, *Bellings*, i. 7-11.

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as good a man to wait upon you.' They then went with several others to the sign of the Lion in Wine Tavern Street, where they turned the waiter out of the room and fell to drinking health on their knees to the success of next day's work. In order to make the others drink, O'Connolly had to swallow a good deal, and at last, to use his own words, 'finding an opportunity, this examinee leaped over a wall and two pales and so came to the Lord Justice Parsons,' who lived near.¹

Action of
the Irish
Govern-
ment.

O'Connolly came to Parsons at his house on Merchants' Quay about nine o'clock in the evening of Friday, October 22. He had not quite recovered from the effects of his carouse, and the Lord Justice, who only half believed his somewhat incoherent story, sent him back to get more information from MacMahon, who lodged on the left bank of the river. Parsons himself went to Borlase, who lived at Chichester House, where the Bank of Ireland now stands, and summoned hastily such of the Council as he thought within reach. The constable of the Castle had already been warned, and the mayor had directions to apprehend all strangers. O'Connolly, having with great difficulty escaped the second time, fell into the hands of the watch, but was rescued by Parsons' men. It was now very late, and only two Privy Councillors could be found, but O'Connolly's information was sworn in proper form. Borlase did not sign the deposition, though the sitting was in his own house; and his son seems to suggest in his history that this was owing to a difference with his colleague; but perhaps he could not keep awake, for Strafford had long since pronounced him quite worn out. The Council sat all night and all next day, Sir Francis Willoughby, Sir John Temple, and the Vice-Treasurer Loftus being present. Before separating, both Lords Justices and eight Privy Councillors signed the first proclamation against 'the most disloyal and detestable conspiracy intended by some evil-affected Irish papists.' The document was quickly circulated

Proclama-
tion of
Oct. 28,
1641.

¹ O'Connolly's Deposition, October 22, in Temple's *History*, with the author's remarks, and his further Relation printed from a manuscript in Trinity College in *Contemp. Hist.*, i. 357.

through the country, but St. Leger, and no doubt many others, thought the words last quoted unwise. Good subjects were warned to stand on their guard and to keep the Government well informed, 'and we require that great care be taken that no levies of men be made for foreign service, nor any men suffered to march upon any such pretence.' Willoughby was made governor of the Castle, with a hundred men, well-armed, over and above the ordinary guard; and he largely increased his force by re-engaging some of his old Carlisle regiment who had come to Dublin after being disbanded. At midnight on Saturday, the 23rd, Lord Blaney brought the first certain news from Ulster. His family were prisoners, while Castleblaney, Carrickmacross, and many other houses in Monaghan had been sacked or burned. The rebels attacked Protestants only, 'leaving the English Papists untouched, as well as the Irish.' Three hours later came the news that Newry with its store of arms and powder was in the hands of the Irish. Dublin itself was a prey to panic, and for a moment even Willoughby thought that there would be an attack on the Castle. He so improved the defences as to make a surprise impossible. Next morning, being Sunday, the Council met again, and the proclamation, which had by this time been printed, was dispersed over the country. An express was sent to bring up Ormonde from Carrick-on-Suir, with copies of the proclamation to leave at every market town on the road. In all Ireland meanwhile there were but 2297 foot soldiers and 943 horse, and these were for the most part in distant garrisons. As to money, Loftus briefly reported that there was nothing in the Exchequer. The Castle contained great stores of arms and ammunition, the remains of Strafford's preparations, but trustworthy men were at first much wanted.¹

News
comes
from
Ulster.

Weakness
of the
Govern-
ment.

¹ Chiefly from Temple's *History*, where O'Connell's evidence, and the proclamation of October 23, are given in full. There is an independent account by Alice Thornton, Wandesford's daughter, who was in Dublin at the time, aged fifteen. According to her O'Connell swam the Liffey. 'What shall I do for my wife?' he asked the conspirators, and they answered 'Hang her, for she was but an English dog; he might get better of his own country.'—*Autobiography*, Surtees Society, 1875.

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Willoughby's narrative.

Willoughby's own graphic account shows how narrow the escape had been. He found no soldiers in the city, the Castle having for defence only eight old warders and forty halberdiers (to escort the Lords Justices to church), though it contained thirty-five guns with their fittings, 1500 barrels of powder with match and bullets, and arms for 10,000 men. On the morning of October 23 Willoughby saw the Lords Justices at Chichester House; they had been up all night, and gave him O'Connell's statement to read. They removed to the Castle by his advice, and he had himself to sleep on the Council table. His first care was to break down the staircase into Ship Street, lest there should be an attack there. He then strengthened the gates and trailed cannon into position commanding them. For fourteen days he dared not let down the drawbridge unless all the halberdiers were present, by which time he had enlisted 200 of his old Carlisle regiment, who had returned to Ireland after being disbanded. Plundered Protestants arrived daily with accounts of murders and burnings.¹

Maguire and Macmahon taken.

Of the conspirators, only two of any importance were taken—Macmahon at his lodgings, and Lord Maguire in a cockloft where he had hidden himself. Maguire denied everything, but he was confuted by Macmahon's confession, and arms were discovered in his rooms. Macmahon, whose information was mainly from Ulster, declared the conspiracy to be universal, and believed, or professed to believe, that every garrison in Ireland would be surprised on the same day. 'I am now in your hands,' he said; 'use me as you will; I am sure I shall be shortly revenged.' They were both hanged in London, Maguire being a commoner in England. The point had been settled long ago in Lord Leonard Grey's case, who was Viscount Grane in Ireland. Sir William Coles' letter was now remembered, and there were other causes for alarm. The ease with which O'More, Plunket, Fox, and O'Byrne escaped showed that they had many confederates. Horsemen flocked into the suburbs, and Colonel Barry's

O'More and others escape.

¹ Sir F. Willoughby's narrative among the *Trinity College MSS.*, 809-841, vol. xxxii. f. 178.

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four hundred men in a ship on the river gave great uneasiness. Barry had rather suspiciously disappeared on the night of the 22nd, and the soldiers, who were not allowed to communicate with the shore, were nearly starved, and when landed were not permitted to enter the town. It was thought prudent to adjourn the Council from Chichester House to the Castle, and when the number of suitors increased, to Cork House, over the way. The Lords Justices could only hope that the Pale was not so seriously tainted, and on Sunday and Monday they were visited by the Earls of Kildare and Fingall, and by Lords Gormanston, Netterville, Fitzwilliam, Howth, Dunsany, and Slane, all of whom professed loyalty and declared that they now heard of the conspiracy for the first time. Whether this was true in all cases may be doubted, but they agreed in asking for arms. The Lords Justices hesitated about parting with their weapons, but thought it better to give a certain number, 'lest they should conceive we apprehended any jealousy of them.' Many of these arms were used against the Government, and St. Leger thought they ought not to have been given; while the Lords Justices were blamed by others for not dealing them out more liberally. Enough were given for seventeen hundred men in the counties of Dublin, Kildare, Louth, Meath, and Westmeath, and, considering that they were entrusted to private persons of doubtful loyalty, this seems to have been a fair allowance. Arms for four hundred men were also sent to the Scots of Down and Antrim, and these at least were not wasted. There was a great fleet of Scotch fishing boats in the bay, and five hundred men volunteered to land and be armed for the service of the State. The offer was accepted, but never acted on, for the fishermen were seized with a panic, put to sea, and never reappeared until the next year. The fugitives from Ulster soon began to pour into Dublin. Temple is open to criticism for his account of what happened in the northern province, but this is what he saw himself:

The Lords
of the Pale.

They are
supplied
with arms.

Arms sent
to the
Ulster
Scots.

What
Temple
saw in
Dublin.

'Many persons of good rank and quality, covered over with old rags, and some without any other covering than a little to hide their nakedness, some reverend ministers and

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others that had escaped with their lives sorely wounded. Wives came bitterly lamenting the murders of their husbands ; mothers of their children, barbarously destroyed before their faces ; poor infants ready to perish and pour out their souls in their mothers' bosoms ; some over-wearied with long travel, and so surbated, as they came creeping on their knees ; others frozen up with cold, ready to give up the ghost in the streets ; others overwhelmed with grief, distracted with their losses, lost also their senses. . . . But those of better quality, who could not frame themselves to be common beggars, crept into private places ; and some of them, that had not private friends to relieve them, even wasted silently away, and so died without noise. . . . The greatest part of the women and children thus barbarously expelled out of their habitations perished in the city of Dublin ; and so great numbers of them were brought to their graves, as all the churchyards within the whole town were of too narrow a compass to contain them.' Two large additional burial grounds were set apart.¹

An
amended
proclama-
tion,
Oct. 29.

On October 29 the Lords Justices issued a second proclamation. The words 'Irish Papists' in the first had been misunderstood, and they now desired to confine it to the 'old mere Irish in the province of Ulster' ; and they straitly charged both Papists and Protestants on their allegiance to 'forbear upbraiding matters of religion one against the other.' They soon had authentic evidence of how the old mere Irish were behaving in one Ulster county. Dean Jones came to Dublin at the beginning of November with the Remonstrance of the O'Reillys, which Bedell had excused himself from carrying. 'I must confess,' says Jones, 'the task was such as was in every respect improper for me to undergo . . . but chiefly considering that thereby I might

The Very
Rev. Henry
Jones.

¹ *Temple*, pp. 93-4. Macmahon's Deposition, October 23, *Contemp. Hist.* i. Appx. xix. Lords Justices and Council to Leicester, October 25, printed in *Temple's History* and elsewhere. Macmahon's latter evidence, 'taken at the rack' on March 22, 1641-2, gives further details regarding the Ulster conspirators, but he knew nothing about the Pale, and does not even mention O'More's name. Reports of Maguire's trial have been often printed.

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gain the opportunity of laying open to the Lords what I had observed . . . which by letters could not so safely be delivered, I did therefore accept.' The O'Reillys declared that the outbreak was caused by oppression and by the fear of worse oppression; that there was no intention to rebel against the King; and that the people had attacked the English settlers without their orders and against their will. To prevent greater disorders they had seized strong places for the King's use, and they demanded liberty of conscience and security for their property. Jones saw clearly that the rising was general and that the native gentry had no wish to restrain it, and he could tell what had happened to the English inhabitants of Belturbet. Philip Mac Hugh O'Reilly and the rest had promised these people a safe passage, and had allowed them to carry away some of their property, which they were thus induced not to hide. In the town of Cavan they were attacked, the guard given by the O'Reillys joining in the treachery, and robbed of everything. 'Some were killed, all stripped, some almost, others altogether naked, not respecting women and sucking infants, the Lady Butler faring herein as did others. Of these miserable creatures many perished by famine and cold, travelling naked through frost and snow, the rest recovering Dublin, where now many of them are among others, in the same distress for bread and clothes.' After a week's hesitation, the Lords Justices sent back an answer by Jones, whose wife and children remained as hostages. This he describes as 'fair, but general and dilatory, suitable to the weak condition of affairs in Dublin, the safety whereof wholly depending upon the gain of time.' The Government yielded no point of importance. They reminded the remonstrants that fortresses could not be legally seized without orders from the King, and that the rebels had falsely professed to have such orders. If, however, the inhabitants of the county Cavan would peaceably return to their own dwellings, restore every possible article to its plundered owner, and abstain from all hostile acts in future, then the Lords Justices would forward their petition to his Majesty and 'humbly seek his

The
Protes-
tants at
Belturbet.

The Lords
Justices
mark time.

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the Pale.

royal pleasure therein.' The O'Reillys were in the meantime preparing to attack Dublin in force.¹

As regards the gentry of the Pale, Roman Catholics for the most part, the Lords Justices were in a difficult position. By mistrusting them they ran the risk of driving them into rebellion; by trusting them they increased their power for mischief, should they be already tainted. For the moment the first danger seemed the greater of the two, and commissions as governors of counties with plenary powers were accordingly issued to several of them, by which they were authorised to proceed by martial law against the rebels, 'hanging them till they be dead as hath been accustomed in time of open rebellion,' destroying or sparing their houses and territories according to their discretion. They were also empowered to grant protections.

Lord
Gor-
manston.Sir N.
Barnewall.Sir T.
Nugent.Sir C.
Bellew.The Earl
of Kildare.

Viscount Gormanston was thus made governor of Meath, and arms were given him for 500 men. He was in open rebellion a few weeks later. Sir Nicholas Barnewall of Turvey, afterwards created Viscount Kingsland by Charles I., became governor of the county of Dublin, and had arms for 300 men. Barnewall was a good deal involved in political intrigues, but soon fled to England to avoid taking arms against the Government. A commission as governor of Westmeath and arms for 300 men were given to Sir Thomas Nugent, who afterwards tried to fill the difficult part of neutral. Sir Christopher Bellew was governor of Louth, with arms for 300, but he very soon joined the Irish. To George Earl of Kildare, Cork's son-in-law, his own county was entrusted and arms for 300; but he was a Protestant and suffered

¹ Proclamation of October 29, 1641, in *Temple* and elsewhere. Dean Jones's 'Relation of the beginning and proceedings of the rebellion in Cavan, &c.,' was printed in London by order of the House of Commons in the spring of 1642, and reproduced in vol. v. of the *Somers Tracts* as well as in Gilbert's *Contemporary History*, where the Cavan Remonstrance, received November 6, and the Lords Justices' answer dated November 10, are also printed. Rosetti at Cologne heard that many Protestants had joined the rebels, which was certainly not true, though some pretended to do so. *Roman Transcripts*, R.O., December 10, 1641. Another paper from Cologne speaks of the rebels 'quali vanno decapitando et appiccando li Protestanti che non gli vogliono assistere, &c. December 22.

severely for his loyalty, while he was quite unable to curb his neighbours. Finding after a time that the arms given out would, if used at all, be used against them, the Lords Justices endeavoured to get them back, but they recovered only 950 out of 1700, and the enemy had the rest.¹

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Ormonde was at his own house at Carrick-on-Suir when the rebellion broke out. The Lords Justices sent for him at once, and the first letter being delayed in transmission, a second was sent with a commission to him and Mountgarret to govern the county of Kilkenny and to take such other precautions as were possible. The gentry met at Kilkenny and offered to raise 240 foot and 50 horse, while Callan and other towns made similar promises. There were, however, no arms, and the Lords Justices would give none out of the stores. Before purchases could be made in England the situation was greatly changed. Ormonde arrived at Dublin with his troop early at the end of the first week in November, and on the 10th Sir Patrick Wemyss returned from Edinburgh with his nomination as Lieutenant-General, to command the army as he had done in Strafford's time. The Lords Justices made out his commission next day, with warrant to execute martial law, but without prejudice to Leicester's authority as Lord Lieutenant. It was not till six months later that the King gave him power to appoint subordinate officers according to the 'constant practice and custom of former times,' it having by then become evident that Leicester would not reside in Ireland. The defence of Drogheda had already been provided for by Sir Henry Tichborne, who was living at Dunshaughly, near Finglas, and who had brought his family into Dublin on the first day, having already 'scattered a parcel of rogues' that threatened his country house. Having received a commission from the Lords Justices, he raised and armed 1000 men in nine days among the Protestants who had left their homes, and with this regiment he entered Drogheda on November 4.

Ormonde
made
general.

Sir H.
Tichborne.

¹ Temple prints the commission to Gormanston as a specimen. Lords Justices and Council to Leicester, December 14, in *Nelson*, ii. 911.

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disagrees
with the
Lords
Justices.

Three additional companies were sent to him a few days later.¹

One of Ormonde's first acts as general was to commission Lord Lambert, Sir Charles Coote, and Sir Piers Crosbie to raise regiments of 1000 men each, and thirteen others to raise independent companies of 100 each. The ranks were filled in a few days, for all business was at a standstill, and Protestant fugitives poured in in great numbers. There were 1500 disciplined men of the old army about Dublin. Strafford had left a fine train of field artillery with arms, tents, and all necessaries for 10,000 men. Under these circumstances Ormonde was for pushing on, and putting down the northern rebellion at once. To this the Lords Justices would not consent, and it may be that they were jealous of their general; but it must be confessed that there was also something to be said for a cautious policy. With the Pale evidently disaffected Dublin could not be considered as very safe.²

The Irish
Parlia-
ment after
the out-
break.

When the rebellion broke out the Lords Justices by their own authority prorogued Parliament till February 24, fearing a concourse of people to Dublin, and also because the state of Ulster made it almost certain that there would not be a Protestant majority. The gentry of the Pale, and the Roman Catholic party generally, protested strongly, and there were doubts about the legality of the prorogation. Some lawyers held that Parliament would be dissolved by the mere fact of not meeting on the appointed day. To get over the difficulty the Lords Justices agreed that Parliament should meet as originally announced, but that it should sit only for one day, and should then be prorogued to a date earlier than February 24. Ormonde and some others were in favour of a regular session, but they were overruled by the official members of the Council. Parliament met accordingly on November 9, and immediately adjourned till the 16th,

¹ Sir Henry Tichborne's letter to his wife, printed with Temple's *History*, Cork, 1766. Carte's *Ormonde*, i. 193, and the King's letters in vol. iii. Nos. 81 and 82.

² Carte's *Ormonde*, i. 192-5; Lords Justices to Ormonde, October 24, 1641, printed in *Confederation and War*, i. 227.

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so as to give time for private negotiations. The attendance was thin in both Houses, partly on account of the state of the country and partly because many thought that the prorogation till February was still in force. Mr. Cadowgan significantly remarked that 'many members of the House are traitors, and whether they come or not it is not material.' There was a great military display about the Castle gates, according to the precedent created by Strafford, and offence was taken at this; but the two Houses agreed to a protestation against those who, 'contrary to their duty and loyalty to his Majesty, and against the laws of God, and the fundamental laws of the realm, have traitorously and rebelliously raised arms, have seized on some of his Majesty's forts and castles, and dispossessed many of his Majesty's faithful subjects of their houses, lands, and goods, and have slain many of them, and committed other cruel and inhumane outrages and acts of hostility within the realm.' And the Lords and Commons pledged themselves to 'take up arms and with their lives and fortunes suppress them and their attempts.' There was some grumbling about the words 'traitorously and rebelliously' on the principle that birds are not to be caught by throwing stones at them, but the majority thought the Ulster rebels past praying for, and the protest was agreed to without a division. There was also unanimity in appointing a joint committee, fairly representing different sections, with power, subject to royal or viceregal consent, to confer with the Ulster people. Two days were occupied in these discussions, and on the evening of the 17th the Lords Justices prorogued Parliament till January 11. When that day came things had gone far beyond the parliamentary stage.¹

Both Houses protest against the rising.

Vain hopes of peace.

Prorogation,
Nov. 17,
1641.

The Earl of Leicester was appointed Lord Lieutenant early in June 1641, and the Lords Justices were directed by the King to furnish him with copies of all their instructions. He remained in England, and to him the Irish Government addressed their account of the outbreak. This was brought

Leicester Lord Lieutenant.

He never came to Ireland.

¹ Bellings gives the two documents referred to. He was a member of this Parliament, and one of the Joint Committee. *Irish Commons Journals.*

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The
rebellion
reported
to the
English
Parlia-
ment.

The news
reaches
the King,
Oct. 27.

over by Owen O'Connolly, received on or before October 31, and at once communicated to the Privy Council, who had a Sunday sitting. On Monday, November 1, the Upper House did not sit in the morning, 'for,' says Clarendon, 'it was All Saints' Day, which the Lords yet kept holy, though the Commons had reformed it.' To the House of Commons accordingly the Privy Council proceeded in a body, headed by the Lord Keeper. There was no precedent for such a visitation, but after a short discussion chairs were placed in the body of the House and Leicester, with his hat off, read the Lords Justices' letter of October 25. Clarendon testifies from personal knowledge that the rebellion was odious to the King, and confidently asserts that none of the parliamentary leaders 'originally and intentionally contributed thereunto,' though he believes that their conduct afterwards added fuel to the flame. When the Privy Councillors had withdrawn the House went into committee, Mr. Whitelock in the chair, and drew up heads for a conference with the Peers. As to money they resolved to borrow 50,000*l.*, giving full security, and to pay O'Connolly 500*l.* down with a pension of 200*l.* until an estate of greater value could be provided. Resolutions were passed against Papists, and particularly for the banishment of the Queen's Capuchins. The Lords met in the afternoon, and after this the two Houses acted together. Three days later the estimate for Ireland was raised to 200,000*l.*, and Leicester was authorised to raise 3,500 foot and 600 horse, while arms were provided for a further levy. News of the outbreak came to the King at Edinburgh direct from Ulster four days before it reached the English Parliament. Tradition says that he was playing golf, and that he finished his game.¹

Lord Dillon of Costello, who was a professing Protestant, produced at the Council on November 10 a letter signed by

¹ *Rushworth*, iv. 398-406; Nicholas to the King, November 1, 1641, in Evelyn's *Correspondence*; Macray's edition of Clarendon's *History*, i. 408; May's *Long Parliament*, p. 127. May is a good authority for what happened in London, but for events in Ireland he depends chiefly on Temple. *Lords Journals*, November 1; Lang's *Hist. of Scotland*, iii. 100; Vane to Nicholas, October 27, *Nicholas Papers*, i. 58.

twenty-six O'Farrells in county Longford. This paper is well written, and contains the usual pleas for religious equality, which modern readers will readily admit, though they were not according to the ideas of that day either at home or abroad. The O'Farrells had taken an oath of allegiance, but their sincerity is open to doubt, for they demanded 'an act of oblivion and general pardon without restitution on account of goods taken in the times of this commotion.' No government could possibly grant any such amnesty, and the suggestion came at a time when Ulster was in a blaze and when Dublin was crowded with Protestants who had escaped with their bare lives. Dillon and Taaffe were commissioned by the Roman Catholic lords to carry their grievances to the King. When returning with instructions they were stopped at Ware and their papers overhauled, the Lords Justices having warned their parliamentary friends.¹

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Letter
from the
O'Farrells.

Catholic
grievances
repre-
sented to
the King.

The influence of Carte has led historians generally to think that the Lords Justices were either too desperately frightened to think of anything but their own safety, or that they let the rebellion gather head to suit the views of the English parliamentary party. There is not much evidence for either supposition. Just at the moment when the Pale was declaring against them they reported their destitute condition to Leicester. The troops were unpaid. At Dublin they had but 3000 foot and 200 horse, and the capital as well as Drogheda was surrounded by armed bands who had already made food scarce, and who threatened to cut off the water. A large extent had to be defended, and many of the inhabitants were not to be trusted. A crusade was being preached all over the country, and at Longford, notwithstanding the oath of the O'Farrells, a priest was reported to have given the signal for a massacre by ripping up the parson with his own hand. The mischief was spreading daily, and agitators industriously declared that no help would be sent from England. Ireland was not, however, forgotten, but Parliament, to whom the King had specially entrusted it,

Weakness
of the
Irish
Govern-
ment.

Relief
comes but
slowly.

¹ *Nelson*, ii. 898; *Rushworth*, iv. 413; *Diurnal Occurrences*, December 20-25, 1641.

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Monck,
Grenville
and
Harcourt.

had its own business to do, and a popular assembly has no administrative energy. It was not till the last day of December that Sir Simon Harcourt landed with 1100 men. Three hundred more followed quickly, and George Monck with Leicester's own regiment was not far behind. Grenville brought 400 horse about the same time. Harcourt had long military experience in the Low Countries, and had lately commanded a regiment in Scotland. He had a commission as Governor of Dublin, but Coote was in possession and was not disturbed. Harcourt was very angry with the Lords Justices, but he got on well with Ormonde and did good service until his death.¹

Sir Charles
Coote.

The number of troops available in Dublin was small, but they were much better armed than the insurgents. It was thus a matter of policy to act on the offensive and clear the surrounding country, demolishing houses and castles where troublesome posts might be established. This work, cruel in itself, was performed in a very ruthless manner, and particular blame has always fallen upon Sir Charles Coote, whose ferocity seems to have been as conspicuous as his courage. One story told both by Bellings and Leyburn is that he called upon a countryman to blow into the mouth of his pistol, that the simple fellow obeyed, and that Coote shot him in that position. He never went to bed during a campaign, but kept himself ready for any alarm, and lost his life in a sally from Trim during a night attack at the head of only seventeen men, the place being beset by thousands.²

¹ Despatch of December 14, in *Nelson, ut sup.* Monck's letter from Chester, *ib.* 919, shows how little money Parliament had to spare. In clerical circles abroad it was rumoured a little later that Dublin would soon fall, and that five hundred Protestants who objected to the cross in baptism had been marked with it on the forehead and sent back to England—*Roman Transcripts*, R.O., February 2, 1642. Four letters from Sir Simon Harcourt, January 3, 1641-42 to March 21, in vol. i. of *Harcourt Papers* (private circulation). As late as September 16, 1642, Sir N. Loftus wrote from Dublin that the enfeebled garrison could not hold out for six weeks if seriously attacked. Food and ammunition were wanting, and the surviving soldiers sick or starving—*Portland Papers*, i. 700.

² *Bellings*, i. xxxii. 35; George Leyburn's *Memoirs*, Preface; Borlase's *Irish Rebellion*, p. 104, ed. 1743. Coote was killed May 7, 1642; when the name occurs later the reference is to his son, also Sir Charles.

CHAPTER XX

PROGRESS OF THE REBELLION

‘THERE are,’ says Hume, ‘three events in our history which may be regarded as touchstones of party men: an English Whig who asserts the reality of the popish plot, an Irish Catholic who denies the massacre in 1641, and a Scotch Jacobite who maintains the innocence of Queen Mary, must be considered as men beyond the reach of argument or reason, and must be left to their prejudices.’ The fact of a massacre cannot be denied, but its extent is quite another matter. There is no evidence of any general conspiracy of the Irish to destroy all the Protestants, but so far as Ulster was concerned there was no doubt one to regain the land and in so doing to expel the settlers. Rinuccini admitted that the northern Irish, though good Catholics, were often great savages; and it is not surprising that there should have been many murders, sometimes of the most atrocious character, and that a much larger number of lives should have been lost through starvation and exposure. It is also true that many acts of kindness were done by the successful insurgents, and that the retaliation of the English was cruel and indiscriminating. As to the number killed during the early part of the rebellion and before it assumed the dignity of civil war, it is impossible to form anything like a satisfactory estimate. Temple, whose book was published in 1646, says that in the first two years after the outbreak ‘300,000 British and Protestants were cruelly murdered in cold blood, destroyed some other way, or expelled out of their habitations according to the strict conjecture and computation of those who seemed best to understand the numbers of English planted in Ireland, besides those few that perished in the

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character
of the
contest.Contem-
porary
accounts
of the
massacre.

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heat of fight during the war.' The great exaggeration of this has been dwelt on by writers who wish to disparage Temple's authority, but these enormous figures were generally believed in at the time. May, who depended partly on Temple, says 'the innocent Protestants were upon a sudden disseized of their estates, and the persons of above 200,000 men, women, and children, murdered, many of them with exquisite and unheard of tortures, within the space of one month.' Dr. Maxwell learned from the Irish themselves that their priests counted 154,000 killed during the first five months. The Jesuit Cornelius O'Mahony, writing in 1645, says it was admitted on all sides that 150,000 heretics had been killed up to that time; he exults in the fact, and thinks the number was really greater. Clarendon says 40,000 or 50,000 English Protestants were murdered at the very beginning of the rebellion. Petty was the first writer of repute who attempted anything like a critical estimate. He had a genius for statistics and he knew a great deal, but owing to the want of trustworthy data, even he can do little more than guess that '37,000 were massacred in the first year of tumults.' So much for those who lived at or near the time; modern writers can scarcely be better informed, but may perhaps be more impartial. Froude, who was not inclined to minimise, thinks even Petty's estimate too high, and quotes the account of an eye-witness who says 20,000 were killed or starved to death in about the first two months. Warner, who wrote in 1767, was inclined to adopt Peter Walsh's estimate of 8000. Reid rejected the higher figures, but without venturing on any decided opinion, Lecky very truly said that certainty was unattainable, but was inclined to agree with Warner. Miss Hickson, who examined the depositions more closely than any other writer, said the same, but thought the number killed in the first three or four years of the war could hardly fall short of 25,000. The conclusion of the whole matter is that several thousand Protestants were massacred, that the murders were not confined to one province or county, but occurred in almost every part of the island, that the retaliation was very savage, innocent persons often suffering for

Later
estimates.

The
number of
victims
cannot be
ascertained.

the guilty, and that great atrocities were committed on both sides. 'The cause of the war,' says Petty, 'was a desire of the Romanists to recover the Church revenue, worth about 110,000*l.* per annum and of the common Irish to get all the Englishmen's estates, and of the ten or twelve grandees of Ireland to get the empire of the whole. . . . But as for the bloodshed in the contest, God best knows who did occasion it.' He thought the population of Ireland in 1641 was about 1,400,000, out of which only 210,000 were British.¹

One of the worst cases of retaliation was the massacre by Scots of many Roman Catholic inhabitants of Island Magee in Antrim, but it is necessary to point out that this took place in January 1642, because it has been asserted that it was the first act of violence and the real cause of the whole rebellion. Some of those who took part in the outrage were alive in 1653, and were then prosecuted by the Cromwellian Government.²

The
massacre
in Island
Magee.

Dublin was saved, but the rebellion broke out in Ulster upon the appointed day. According to Captain John Creighton, his grandfather's house near Caledon in Tyrone was the first attacked. The rebellion certainly began upon Sir Phelim O'Neill's property at Caledon or Kinard during the

The rising
in Tyrone,
Oct. 23,
1641.

¹ Hume's *Hist. of England*, note N to chap. xxxix., ed. 1854; Hickson's *Ireland in the Seventeenth Century*, i. 163, 336; *Exhortatio* appended to O'Mahony's *Disputatio Apologetica*, 1645, p. 125, para. 20; Clarendon's *Hist.* iv. 24; Petty's *Economic Writings*, i. 149-154, ii. 610; Warner's *Rebellion and Civil War*, 2nd ed. p. 297; Froude's *English in Ireland*, i. 111. Lecky's *Eighteenth Century*, ii. 154; Reid's *Presbyterian Church*, chap. vii. Bishop Henry Jones, who knew as much as any one, says that within twenty years of the Restoration there were people who 'openly proclaimed, contrary to all evidence, that there was then no such rebellion of the Irish, neither such massacres of the British and Protestants in Ireland,' letter of May 27, 1679, printed in the preface to Borlase's *History*, 1680. In *Special News from Ireland*, from a gentleman in Dublin, London, March 1, 1642-3, it is stated that 144,000 Ulster Protestants were killed, wounded, or missing. There would be a tendency to say that all who escaped from Ireland had been murdered.

² In the list of murders committed on the Irish, affixed to Clarendon's volume on Ireland, it is said that 'this was the first massacre committed in Ireland of either side,' and that the number of innocent men, women, and children killed was over 3000. Miss Hickson has conclusively shown that the number of victims was about sixty, and that the date was January 8—*Ireland in the Seventeenth Century*. i. 151, 255.

CHAP.
XX.

English
tenants
plundered.

Murder
of Pro-
testants.

Sir Phelim
O'Neill at
Charle-
mont.

The
Caulfield
family.

night of October 22, when O'Connolly was telling the Lords Justices what he had heard. William Skelton, who lived as a servant in Sir Phelim's house, was ploughing in the afternoon when an Irish fellow servant came to him with about twenty companions and said that they had risen about religion. Armed only with cudgels, they attacked several of Sir Phelim's English tenants, who were well-to-do and apparently well-beloved by their Irish neighbours, 'and differed not in anything, save only that the Irish went to mass, and the English to the Protestant church in Tinane, a mile from Kinard.' Taken by surprise, the Protestants were easily disarmed, and robbed in the first instance only of such horses as would make troopers. All the English and Scots neighbours were thus plundered in detail, cattle, corn, furniture, and clothes being taken in succession. In about a fortnight the Irish began to murder the Protestants. Among those whom Skelton knew of his own knowledge to be killed in cold blood before the end of the year was 'one Edward Boswell, who was come over but a year before from England, upon the invitation of the said Sir Phelim, his wife having nursed a child of the said Sir Phelim's in London.' Boswell's wife and child were murdered at the same time, and seventeen others in Kinard itself, men, women, and children. Skelton and some others were saved by the intercession of Daniel Bawn, whose wife was an Englishman's daughter.¹

While his English servant was ploughing at Kinard, Sir Phelim O'Neill was on his way to Charlemont with an armed party. He had invited himself to dinner and was hospitably received by Lady Caulfield and her son, who had not long succeeded to the peerage. In after days there was a family tradition that the butler, an old and trusty servant, was alarmed by the attitude of Sir Phelim's followers and imparted his fears to his mistress. His advice was neglected, and when the meal was over he left the house and made the best of his way to Dublin. The Caulfields and the unsuspecting men who ought to have defended the fort were surprised

¹ *Hickson*, Deposition, p. 22; *Creighton's Memoirs in Swift's Works*, xiii. 13.

and captured, and O'Neill occupied Dungannon the same night. Next day the O'Quins took Mountjoy, the O'Hanlons Tanderagee, and the Magennises Newry. All were surprised, and there was practically no resistance. In the course of the day a fugitive trooper came to Lisburn, where Henry Leslie, Bishop of Down, was living, with news of the disasters at Charlemont and Dungannon, and four hours later another runaway announced that Newry was taken. Leslie at once sent the news on to Lord Montgomery, who was at or near Newtownards, and to Lord Chichester at Belfast; and they both wrote to the King.

CHAP.
XX.

Dun-
gannon,
Mountjoy,
Tandera-
gee and
Newry
taken

Bishop
Henry
Leslie.

Chichester said only one man had been slain, which has been adduced as a proof that there was no massacre, but he knew only what Leslie had told him, and there were no tidings from any point beyond Dungannon. Other districts could tell a very different tale.¹

Lord Maguire was a prisoner, but his brother Rory raised Fermanagh before any account of the doings in Dublin had come so far. The robbing and murdering began on October 23, and very soon the whole county was at the mercy of the rebels. Enniskillen was never taken, and it will be seen that walled towns, if well defended, were generally maintained. Alice Champion, whose husband was killed in her presence on the first day, heard the murderers say that they had special orders from Lord Maguire not to spare him or any of the Crosses that were his followers and tenants.' About twenty-four others were murdered at the same time, and Mrs. Champion afterwards heard them boast that they had 'killed so many Englishmen that the grease or fat that remained on their swords might have made an Irish candle,' ninety being despatched at Lisgoole alone. The latter massacre is also sworn to by an eye-witness. Anne Ogden's

Ferma-
nagh.
Rory
Maguire.

Murders at
Lisgoole
and else-
where.

¹ Lodge's *Peerage*, by Archdall, iii. 140, for Charlemont. Leslie's and Montgomery's letters in *Contemp. Hist.* i. 362; Chichester to the King, October 24, in Benn's *Hist. of Belfast*, p. 97; *Rushworth*, part iii. chap. i. Reports received at Rome describe the progress of the rising 'con sacheggjar le case dei Calvinisti, havendo anche fatto prigione il giovine principe milort Cafile in contraccambio del duca di Macquerra (Maguire) sequestrato in Dublin.'—*Roman Transcripts*, R.O., December 18, 1641.

CHAP.
XX.

Treatment
of the
English
Bible.

husband was murdered in the same way. She was allowed to fly to Dublin with her two children, but all were stripped on the way, and the children afterwards died 'through the torments of hunger and cold they endured on that journey.'

Edward Flack, a clergyman, was plundered and wounded on the 23rd, and his house burned. The rebels in this case vented some of their fury on his Bible, which they stamped upon in a puddle, saying 'A plague on this book, it has bred all this quarrel,' and hoping that all Bibles would have this or worse treatment within three weeks. Much more of the same kind might be said, and the events sworn to in Fermanagh alone fully dispel the idea that there were no murders at the first outbreak.¹

Cavan.
The
O'Reillys.

In Cavan, where the O'Reillys were supreme, there were no murders at the very beginning. Here, as in other places, the first idea seems to have been to spare the Scots and not to kill the English unless they resisted their spoilers. On the night of October 23, the Rev. George Crichton, vicar of Lurgan, who lived at Virginia, was roused out of his first sleep by two neighbours, who told him of the rising further north. Many of the Protestant inhabitants fled into the fields, but Crichton thought it better to stand his ground, and very soon a messenger came from Captain Tirlogh McShane McPhilip O'Reilly, to say that the Irish would harm no Scot. Crichton perhaps profited also by the fact that 'no man ever lost a penny by him in the Bishop's Court, and none ever paid to him what he did owe,' which may have been a result of Bedell's influence. He went out and met this chief at Parta wood, about a mile to the east of the town. O'Reilly, who had some twenty-four men with him, announced that Dublin and all other strong places were taken, and that they 'had directions from his Majesty to do all these things to curb the Parliament of England; for all the Catholics in England should have been compelled to go to Church, or else they should be all hanged before their own doors on Tuesday next.' Crichton said he did not believe such a thing had been ever dreamed of, whereupon O'Reilly declared his

Pretended
orders
from the
King.

¹ *Hickson, Depositions*, pp. 1-9 and 26.

intention of seizing all Protestant property and of killing anyone who resisted. Next morning Virginia was sacked accordingly, but no lives were taken, for no one made any defence. The canny Scots clergyman managed to keep the Irish in pretty good humour, lodged nine families in his own house, and provided food for the fugitives from Fermanagh who began to arrive in a few days. Many thousands from Ballyhaise, Belturbet and Cavan passed through Virginia on their way towards the Pale. Crichton obtained help from Colonel Richard Plunkett, who wept and blamed Rory Maguire for all. On being asked whether the Irish had made a covenant he said, 'Yea, the Scots have taught us our A B C; in the meantime he so trembled that he could scarce carry a cup of drink to his head.' Nevertheless he boasted that Dublin was the only place not taken, that Geneva had fallen, and that there was war in England. Many of the wretched Fermanagh Protestants were wounded, and the state of their children was pitiable. The wounded were tended and milk provided for the children, Crichton telling his wife and family that it was their plain duty to stay, and that 'in this trouble God had called them to do him that service.' All this happened within the first week of the outbreak, and when the long stream of refugees seemed to have passed, Crichton and his family prepared to go; but they were detained, lest what they had to tell might be inconvenient. Protestants from the north continued to drop in for some time, and Crichton was allowed to relieve them until after the overthrow at Julianstown at the end of November. The O'Reillys took part in the affair, and their followers became bolder and less lenient.¹

CHAP.
XX.

Colonel
Richard
Plunkett.

Another clergyman, Henry Jones, Dean of Kilmore, was living at Bellanagh Castle, near Cavan, at the time of the outbreak. Philip MacHugh MacShane O'Reilly, member for the county, was the chosen leader of the Irish. The actual chief of the clan was Edmund O'Reilly, but the most active part was taken by his son, Miles O'Reilly, the high sheriff, a desperate young man, who at once assumed his native

Cavan and
Belturbet.

¹ Crichton's deposition in *Contemp. Hist.* i. 525.

CHAP.
XX.

Philip
MacHugh
O'Reilly.

Horrors of
a winter
flight.

The
O'Reillys
were not
unani-
mous.

name of Mulmore Mac Edmond. Under the pretence of raising the *posse comitatus* he sent bailiffs to the scattered houses of Protestants and collected their arms. He himself seized the arms at Farnham Castle, and took possession of Cloghoughter, with whose governor, Arthur Culme, he had been on terms of friendship. Next day, October 24, the sheriff proceeded to Belturbet, which was the principal English settlement and contained some 1500 Protestants. Sir Stephen Butler was dead, but his widow had married Mr. Edward Philpot and was living there with her five children. Sir Francis Hamilton, who was at Keilagh Castle, tried to organise some resistance, but Philip MacHugh O'Reilly took the settlers under his protection, and they gave up their arms. Yet Captain Ryves with some thirty horse had no difficulty in reaching the Pale by O'Daly's Bridge on the Blackwater, and in occupying Ardbraccan for the Lords Justices. Cavan surrendered, and on the 29th Bellanagh, which was indefensible, surrendered to the sheriff's uncle, Philip MacMulmore O'Reilly. It had been determined to clear all the English out of the county, and though Lady Butler with 1500 others were escorted as far as Cavan they were attacked just beyond the town, and stripped of everything. Those who did not die of exposure reached Dublin, to starve and shiver among the other fugitives there. Those who remained at Belturbet had a still worse fate.¹

The O'Reillys had always been more civilised than other natives of Ulster, and they almost seem to have felt that the Government must win in the end. Rose O'Neill, the wife of Philip MacHugh, wished to kill all the English and Scotch at Ballyhaise, but he would not allow it. 'The day,' he said, 'may come when thou mayest be beholding to the poorest among them.' With a view no doubt to that distant day, they resolved to petition the Lords Justices and to send an Englishman with the message. Bedell refused to go on account of his age and because his plundered flock could not

¹ Jones's *Relation*, 1642, reprinted in *Contemp. Hist.* i. 476. This is confirmed by the depositions of Philpot and Ryves, *Hickson*, i. 308.

CHAP.
XX.Doctor
Henry
Jones.Weakness
of the
Irish
Govern-
ment.Divisions
among the
Irish.

spare him, but Jones, who in his time played many parts, thought it safer to do as he was asked. He left his wife and children as hostages and went to Dublin, with a memorial signed by seven O'Reilly's which spoke of former misgovernment, and rumours that worse was to come. They protested their loyalty and desired the Lords Justices 'to make remonstrance to his Majesty for us . . . so that the liberties of our conscience may be secured unto us, and we eased of our other burdens in the civil government.' The Lords Justices and eight Privy Councillors, of whom Ormonde was one, sent an answer, dealing in generalities 'suitable to the weak condition of affairs in Dublin.' The most they could promise was that if they would restore all the Cavan Protestants to their homes and properties and cease from further hostilities, that then their memorial should be forwarded to the King. On his return Jones found the O'Reillys preparing to invade the Pale. He managed to keep the Dublin Government well informed, at the same time dissuading the Irish from attacking the capital, whose means of defence he exaggerated. Drogheda, he said, was more assailable, and to Drogheda they determined to go. They mustered first at Virginia, where Mr. Crichton made friends with Philip MacHugh's mother on the ground of common kinship with Argyle, 'of which house it seemeth that she was well pleased that she was descended. This kindred stood me in great stead afterwards, for although it was far off and old, yet it bound the hands of the ruder sort from shedding my blood.' Many lives, says Crichton, were also saved by the quarrels of the Irish among themselves. Philip MacHugh not only shielded his far away cousin, and others for his sake, but was evidently disinclined to the task in hand, regretted that he had not kept the Protestants safe at Belturbet, 'blamed Rory Maguire for threatening to kill and burn them, and cursed those among the English that gave them counsel to leave their habitations.' Crichton thought O'Reilly a deep dissembler, but he should have the credit for comparative humanity. He and others seem to have thought that the war was on the point of breaking

CHAP.
XX.

Rising in
Monaghan.

Murder of
Richard
Blayney.

A sham
royal com-
mission.

The
Portadown
massacre,
about
Nov. 1,
1641.

out in England, and that it would be impossible to send any troops to Ireland for years to come.¹

In Monaghan there was a general rising on October 23, but a number of murders were committed during the first few days, and the Macmahons behaved worse than the O'Reilly's. Richard Blayney, member for the county, and commissioner of subsidies, was hanged by Sir Phelim O'Neill's direct orders, and his dead body barbarously treated. At Carrickmacross Essex's bailiff, Patrick McLoughlin Macmahon, took the lead among the local rebels, and about 600*l.* of the great absentee's rents came into their hands. In Monaghan, as elsewhere, the Irish professed to do everything by the King's orders, but at Armagh Sir Phelim O'Neill professed to show the actual commission with a broad seal to it, adding that he would be a traitor if he acted of his own accord. 'We are a sold people,' said an Englishman who witnessed the scene. A number of Protestants took refuge in the cathedral, but they had to surrender, and being stripped and robbed were sent to keep the Caulfields company at Charlemont. A miscellaneous collection of Protestants, including many children and poor people, from whom no ransom could be expected, were driven to the bridge of Portadown and there murdered.²

The Portadown massacre has been more discussed perhaps than any episode in the Irish rebellion, and it has left behind it an ineffaceable impression of horror. The victims were only a part of those murdered in the county of Armagh, but more than 100—one account says 160—were killed at one time—and the affair was carefully planned beforehand. The chief actor was Captain Manus O'Cahan, but many of the sufferers had received passes from Sir Phelim himself. O'Cahan and his men, Mrs. Price deposed, forced and drove all those prisoners, and amongst them the deponent's five children, by name Adam, John, Anne, Mary, and Jane Price, off the bridge into the water.' Those that could swim were shot or

¹ Jones's *Relation*; Crichton's deposition in *Contemp. Hist.*, i. 531, 545; Remonstrance from Cavan, November 6, and answer, November 10, *ib.* i. 364.

² *Hickson*, i. 298.

The
church at
Black-
water.

Alleged
apparitions.

Investigation
by
Owen Roe
O'Neill.

forced back into the river. When Owen Roe O'Neill came to the country he asked in Mrs. Price's hearing how many Protestants the rebels had drowned at Portadown, and they said 400. If this is correct the cruel work on the Bann must have continued for some time. They also said that those drowned in the Blackwater were too many to count, and that the number thrust into lakes and bog-holes could not even be guessed at. On November 17 they burned the church at Blackwaterstown with a crowd of Protestants in it, 'whose cries being exceeding loud and fearful, the rebels used to delight much in a scornful manner to imitate them, and brag of their acts.' Attempts have been made to discredit the evidence on the ground that Mrs. Price and others refer to apparitions at the scene of the Portadown massacre. Screams and cries are easily explained, for wolves and dogs fed undisturbed upon the unburied dead. But Mrs. Price says she actually saw a ghost when she visited the spot where her five children had been slaughtered, and that Owen Roe O'Neill, who came expressly to inform himself as to the alleged apparitions, was present with his men, who saw it also. It was twilight, and 'upon a sudden, there appeared unto them a vision, or spirit assuming the shape of a woman, waist high, upright in the water, naked, her hair dishevelled, very white, and her eyes seeming to twinkle in her head, and her skin as white as snow; which spirit or vision, seeming to stand upright in the water, divulged, and often repeated the word "Revenge! Revenge! Revenge!"' O'Neill sent a priest and a friar to question the figure both in English and Latin, but it answered nothing. He afterwards sent a trumpet to the nearest English force for a Protestant clergyman, by whom the same figure was seen and the cries of 'Revenge!' heard, but Mrs. Price does not say she was present on this occasion. The evidence of this lady shows no marks of a wandering mind, and yet it is evident that she believed in an apparition. It is quite possible that some crazed woman who had lost all that was dear to her may have haunted the spot and cried for vengeance, but in any case a belief in ghosts was still general in those days, and especially

CHAP.
XX.Bedell at
Kilmore.

in Ireland. The evidence as to the massacre is overwhelming.¹

Bedell was at Kilmore when the rebellion broke out. The Protestants were surprised, but it was remembered afterwards that there had been an invasion or migration of rats, and that caterpillars had appeared in unusual numbers. It was more to the purpose that a crack-brained Irish scholar who wandered from house to house was heard frequently to exclaim, 'Where is King Charles now?' and that he wrote in an old almanac 'We doubt not of France and Spain in this action'—words which he may have heard in some conventicle of the Irish. The fugitive Protestants crowded to Kilmore, where they were all sheltered and fed, the better sort in the palace and the rest in out-buildings. The bishop's son, who was there, likens the stream of poor stripped people to 'Job's messengers bringing one sad report after another without intermission.' After a few days, Edmund O'Reilly, the sheriff's father, ordered Bedell to dismiss his guests, who were about 200, chiefly old people, women and children. On his refusal those in the detached buildings were attacked at night and driven out almost naked into the cold and darkness. The bishop's cattle were seized, but he had stored some grain in the house, and was still able in an irregular way to relieve many stray Protestants. On one occasion he sallied forth to rescue some of them, and two muskets were placed against his breast. He bade them fire, but they went away, and still for some time the palace walls were allowed to shelter those within. One of these was John Parker, afterwards Bishop of Elphin, who had fled from his living at Belturbet. 'For the space of three weeks,' says Parker, 'we enjoyed a heaven upon earth, much of our time spent in prayer, reading God's word, and in good conference; inasmuch as I have since

He is
allowed to
relieve
many Pro-
testants.

¹ Depositions of Mrs. Rose Price and four others, *Hickson*, i. 176-188. Writing after the Restoration with a view of minimising the massacre, Ormonde says the greatest number murdered in any one place was at Portadown, 'and they not above 200'—*Carte MSS.* vol. lxiii. f. 126. As to curious instances of modern ghost-seers see Sir A. Lyall's *Asiatic Studies*, 2nd series, chap. 5. Lady Fanshawe saw and heard an apparition in Clare in 1650, *Memoirs*, p. 58, ed. 1907.

oft professed my willingness to undergo (if my heart did not deceive me) another Irish stripping to enjoy a conversation with so learned and holy a man.' Church service was regularly continued, but the investment of the house became closer, Bedell resolutely refusing to quit his post, although the Irish urged him to leave the country and promised all his company safe convoy to Dublin. His own children wished him to accept this offer, and it is probable that the Bishop himself and possible that his guests might have reached the capital in safety, but the experience of others had not been encouraging. Some prisoners having been taken by the Scottish garrisons at Keilagh and Croghan, and Eugene Swiney, the rival Bishop of Kilmore, pressing for restoration to his palace, Bedell and his family were at last expelled. 'I arrest you,' said Edmund O'Reilly, laying his hand on the Bishop's shoulder, 'in the King's name.' Having first arranged that the Church plate provided by himself should be handed over to the other Bishop, Bedell was conveyed to a castle upon an island in Lough Oughter. He was allowed to take his money with him, and his two sons with their wives accompanied him. They were well treated on the whole, but the castle had neither glass nor shutters to the windows, and they spent a cold Christmas. Some of the prisoners were in irons, and Bedell earnestly desired to share their fate, but this was refused. The party were dependent on the Irish for news, and at first they heard much of the disaster at Julianstown and of the certain fall of Drogheda. But an English prisoner who knew Irish listened one night through a chink in the floor, and heard a soldier fresh from Drogheda tell the guard that the siege was raised. 'The bullets,' he said, 'poured down as thick from the walls as if one should take a fire-pan full of coals and pour them down upon the hearth, which he acted before them, sitting altogether at the fire. And for his own part he said he would be hanged before he would go forth again upon such a piece of service.' At last Bedell and his sons were exchanged for some of those in the hands of the Scots, and released from the castle. The Bishop's remaining days were spent in the houses

He refuses
to leave
his post.

He is im-
prisoned
at Lough
Oughter.

He is
released.

CHAP.
XX.

Fate of
his library.

Bedell's
death,
Feb. 9,
1641-2.

Respect
shown him
by the
Irish.

of Dennis Sheridan, a clergyman ordained and beneficed by him, whose vicarage was near at hand. Sheridan, though a Protestant, was a Celt, and respect for his clan secured him a certain toleration. He was instrumental in saving some of Bedell's books, among them a Hebrew Bible, now at Emmanuel College, Cambridge, and the Irish version of the Old Testament which had cost so much trouble, and which was not destined to be printed for yet another generation. Most of the books and manuscripts were taken away first by friars and afterwards by English soldiers, who sold them. 'Certain of the Bishop's sermons,' says his son, 'were preached in Dublin, and heard there by some of his near relations, that had formerly heard them from his own mouth : some even of the episcopal order were not innocent in this case.'

Bedell remained for some weeks with Sheridan, preaching often and praying with those that were left to him. The house was crowded with fugitives, and typhus fever broke out among them. Old and enfeebled by his imprisonment, the Bishop insisted on ministering to the sick, and was at last struck down himself. Philip MacMulmore O'Reilly came to see him, offering money and necessities, and cursing those who had contrived the rebellion. Bedell, though very weak, rose from his chair to thank him, 'desiring God to requite him for the same and to restore peace to the nation ; though hardly able to stand, he yet beyond expectation thus expressed himself without any faltering in his speech, which he had not done for a great while before.' The effort exhausted him, and he spoke but little afterwards, answering, 'Well' to those who asked him how he did and saying 'Amen' to their prayers. His last words were, 'Be of good cheer ; whether we live or die we are the Lord's.' Bishop Swiney made some difficulty about burying his rival in Kilmore churchyard, but was overruled by the O'Reillys. Many Irish attended the funeral, and some of the Sheridans bore the coffin ; Edmund O'Reilly and his son the sheriff, with other gentlemen brought a party of musketeers and a drum, which was beaten as at a soldier's burial. 'The sheriff told the Bishop's sons they might use what prayers or what form

of burial they pleased; none should interrupt them. And when all was done, he commanded the musketeers to give a volley of shot, and so the company departed.' Another account says that some priests present ejaculated, 'Requiescat in pace ultimus Anglorum,' and that one of them, Edmund Ferrely, added a fervent prayer that his own soul might accompany the Protestant bishop's—'O sit anima mea cum Bedello.' The general goodwill extended to those about him, and none of his family or immediate friends appear to have been personally molested.¹

Good officers were scarce, but six hundred raw recruits were sent under Major Roper, who was a young man, to reinforce Tichborne, and Sir Patrick Wemyss accompanied them with fifty horse of Ormonde's troop. They might easily have reached Drogheda early on the morrow, but the new levies were mutinous, and refused to go further than Swords on the first day or than Balrothery on the second. At seven on the morning of November 29 they were at Lord Gormanston's gate, and Roper went in to see him. He was informed that the Irish had crossed the Boyne to intercept him, and that he had better be careful. Roper did not even warn his officers, but marched on with little precaution. He crossed the Nanny river by Julianstown bridge in a thick fog, and was there attacked by a greatly superior force under Philip MacHugh O'Reilly, Hugh O'Byrne, and O'More. Roper's men were better armed, but scarcely knew how to use their weapons. The fog made their assailants seem stronger than they really were, and the foot yielded to panic

The
English
defeated at
Julianstown,
Nov. 29,
1641.

¹ The best authority for Bedell is the Life by his son William, edited by T. Wharton Jones for the Camden Society, 1872. The narrative of his younger son Ambrose is printed by Miss Hickson, i. 218. Burnet had the materials of his biography from the Rev. Alexander Clogie, Bedell's son-in-law, who was also with him when he died. Burnet admitted that he had written everything down as Clogie imparted it, and without exercising any critical discretion. Clogie's own account was printed from the Harl. MSS. in 1862, ed. W. W. Wilkins, but its authority is inferior to that of Bedell's two sons. The narratives of William Bedell and Clogie are reprinted with much additional matter in *Two Biographies*, ed. Shuckburgh, Cambridge, 1902. Bishop Parker's account, written for Ormonde in 1682, is in *Hickson*, i. 308.

CHAP.
XX.

Import-
ance of
this affair.

Belfast
and Car-
rickfergus
saved.

The Irish
defeated at
Lisburn.

and broke almost without striking a blow. Wemyss easily reached Drogheda, and Roper with two captains and a hundred men followed him; but all, or nearly all, the rest were killed, and the Irish, who did not lose a man, were at once supplied with arms. 'The men,' says Ormonde, 'were unexercised, but had as many arms, I think, within a few, as all the rebels in the kingdom, and were as well trained as they.' But among the insurgents were plenty of Strafford's disbanded soldiers, who knew how to use muskets, and Protestant prisoners in Ulster remarked how much the Julianstown affair added to the confidence of the Irish.¹

Carrickfergus was the ancient seat of English power in Ulster, and thither the Protestants of Down and Antrim fled in great numbers. The rising settlement of Belfast was near being abandoned, but Captain Robert Lawson heard of the outbreak at Newry, gave up his journey to Dublin, and hurried back to the Lagan. Lord Chichester was actually on board ship, but Lawson bought a drum and perambulated the town, seized all the arms he could find, and soon got nearly 200 men together. Before Sir Phelim O'Neill could hope to attack Carrickfergus it was necessary to take both Belfast and Lisburn, and the latter place was attacked by Sir Con Magennis with several thousand men the day before the disaster at Julianstown. The Ulster Irish had by this time collected a good many arms, including two field pieces, and they had taken plenty of powder at Newry. The garrison consisted only of Lord Conway's troop and of a few newly raised men, but they were skilfully commanded by Sir Arthur Tyringham, the late governor of Newry, and Sir George Rawdon, whom all trusted, arrived from Scotland on the evening before the town was attacked. Taking advantage of the ground, Tyringham held the streets all day, his cavalry slaughtering the assailants in great numbers. There had been snow the day before, followed by a thaw, and then by frost, so that the ground was covered with ice. 'All

¹ *Bellings*; *Aphorismical Discovery*; Tichborne's letter; Ormonde's letters of November 30 in Carte's *Ormonde*, vol. iii., and another of December 1 in *Confederation and War*, i. 232; Bernard's *Whole Proceedings*.

the smiths,' says one of the besieged, 'had been employed that whole night to frost our horses, so that they stood firm when the brogues slipped and fell down under their feet.' Communication with Belfast was kept up, and Chichester sent many horse-loads of powder in bags, so that the ammunition held out. At nightfall the Irish set fire to the town, which was entirely consumed, and a confused fight went on till near midnight. After the fire began Chichester's troop of horse arrived with a company of foot, and the assailants were finally discomfited. 'Every corner was filled with carcasses, and the slain were found to be more than thrice the number of those that fought against them.' The field pieces appear to have been thrown into the river. Next day the retreating Irish burned Rawdon's house at Brookhill containing Lord Conway's library, and property worth five or six thousand pounds, but they never gained military possession of the Belfast district, though many Protestants were driven out of the open country.¹

Lord
Conway's
library
burned.

There have been many occasions in Irish history when the Government has lacked power either to put down its enemies or to protect its friends. The gentry of the Pale would hardly have joined the rebels on account of such an affair as Julianstown, but they had grievances, and the Irish managers pressed them both with arguments and threats. As governor of Meath, Lord Gormanston called upon the sheriff to summon a county meeting, which was held upon Crofty Hill, about three miles to the south of Drogheda. It had been previously arranged that a deputation from the Ulster Irish should appear there, and in due time O'More with Philip MacHugh O'Reilly, Hugh O'Byrne and others rode up 'in the head of a guard of musketeers, whom the defeat at the bridge of Julianstown had furnished with arms of that kind.' Gormanston, who was supported by the Earl of Fingall and five other peers, acted as spokesman and asked the newcomers why they came armed into the Pale. In a prepared

The gentry
of the Pale
combine
with the
Irish.

¹ Lawson's narrative in Benn's *Hist. of Belfast*, p. 99. Brief Relation of the miraculous victory, &c. in *Ulster Journal of Archaeology*, i. 242. Letter of Throgmorton Totesbury, December 4, 1641, *Rawdon Papers*, p. 86.

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XX.

Speech of
O'More.

speech O'More answered that they had been goaded into action by penal laws which excluded them from the public service, and from educational advantages. 'There can,' he said, 'be no greater mark of servitude than that our children cannot come to speak Latin without renouncing their spiritual dependence on the Roman Church, nor ourselves be preferred to any advantageous employment, without forfeiting our souls.' The Lords Justices, he added, had refused parliamentary redress, lest they should be prevented from extirpating Catholicism with the help of a Scotch army. To crown all, they had branded the Ulster chiefs as rebels, whereas one of their greatest motives had been to vindicate the royal prerogative from encroachment 'by the malignant party of the Parliament of England.' In conclusion, he called upon the gentry of the Pale to join the party whose interest and sufferings were the same as their own. When the applause subsided, Gormanston asked the Ulstermen whether their loyalty was genuine. The answer was of course affirmative, and he then invited those around him to make common cause with the Irish. 'And thus,' philosophises Bellings, 'distrust, aversion, force, and fear united the two parties which since the conquest had at all times been most opposite, and it being first publicly declared that they would repute all such enemies as did not assist them in their ways, they appointed a second meeting of the country at the hill of Tara.'¹

Meeting at
Tara,
Dec. 7,
1641.

The die was now cast, and a summons from the Lords Justices calling the chief men of the Pale to a conference at Dublin came too late. The meeting at Tara took place on December 7, and an answer was then returned signed by seven peers to the effect that they were afraid to put themselves into the power of the Government, and thought it safer to stand on their guard. They had, they said, been informed that Sir Charles Coote had spoken words at the Council table,

¹ Bellings' account corresponds closely with the deposition of Nicholas Dowdall, sheriff of Meath, printed in *Confederation and War in Ireland*, i. 278. Dowdall was present at the hill of Crofty, and Bellings probably was.

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'tending to a purpose and resolution to execute upon those of our religion a general massacre.' The Lords Justices answered that they had never heard Coote say anything of the kind, and that anyone who made any such suggestion should be severely punished; and they again summoned the lords of the Pale to be at Dublin on the 17th. Ormonde personally gave his word of honour that they should return safely, and urged them not to lose this last opportunity of showing their loyalty. But they had gone too far to draw back, their tenants and dependents had gone still further, and Sir Phelim O'Neill persuaded them, as they were ready to believe, that he had great resources. He arranged a sham powder factory, and so acted his part as to make them think he could turn out an unlimited supply. The story reads like fiction, but Bellings records it in sober earnest, and he must have known. O'Neill had no military experience or capacity, but his confidence imposed upon the hesitating men of the Pale, who not only gave him chief command in the attack on Drogheda, but also a sort of commission as governor of Meath.¹

The lords of the Pale refuse to go to Dublin.

Sir Phelim O'Neill's manoeuvres.

Lord Moore heard of the Ulster rising on October 23, and of his sister Lady Blaney's imprisonment. He was then at home at Mellifont, but came into Drogheda at midnight and roused the mayor and aldermen, who cursed the rebels 'fouly,' but were very slow to make any preparations for resistance. Not forty men answered the call to arms, and they were armed with pitchforks and fowling pieces. On the 26th he brought in his wife and family and his own troop of horse. There were two half standing companies under Netterville and Rockley, but the former's loyalty was suspected, and the men could scarcely be trusted. Moore posted to Dublin, but could only obtain a commission for Captain Seafowl Gibson to raise a company. Gibson brought down arms and ammunition and got a hundred Protestant

The despoiled Protestants flock into Drogheda

¹ Summonses were sent on December 3 to the Earls of Kildare (printed in *Nelson*, ii. 906), Antrim, and Fingall, Viscounts Gormanston, Netterville, and Fitzwilliam, Lords Trimleston, Dunsany, Slane, Howth, Louth, and Lambert. Fingall, Gormanston, Slane, Dunsany, Netterville, Louth, and Trimleston signed the answer.

CHAP.
XX.

Wretched
state of
the
refugees.

Sir
Faithful
Fortescue
leaves
Drogheda
in the
lurch.
Lord
Moore.

recruits in two hours. Some of these watched for ten nights running. In the meantime the Irish had taken Dundalk and were plundering all Protestants not five miles from Drogheda. 'Miserable spectacles of wealthy men and women,' says Bernard, 'utterly spoiled and undone, nay, stripped stark naked, with doleful cries, came flocking in to us by multitudes, upon whom our bowels could not but yearn.' The majority of the townsmen only smiled, but took care to ring alarm bells when the Protestants were at church. Sir Faithful Fortescue, who was married to Lord Moore's sister, had been lately appointed governor of the town, and he also went to Dublin for help. Finding none, he resigned his commission in disgust and went to England. 'By his disheartening letters,' says Bernard, 'he gave us over, being willing to hazard his life for us, yet loth to lose his reputation also.' Moore assumed the command, but he had only about 300 men including Gibson's recruits, and the Roman Catholic population was all but openly hostile. Bernard summoned all the Protestants privately man by man to meet in the church, and the whole congregation solemnly vowed that if God would defend them they would endeavour to serve Him better in future. Three days later there was a solemn fast. Half of Moore's troop patrolled the streets every night, while the other half scoured the country, to guard against surprise and to collect cows and other provisions for the garrison. Two hundred of the enemy were killed during these raids and eighty brought in alive. 'Such was our mercy,' says Bernard, 'we only hanged six,' the remaining prisoners being so well fed by the townsmen that they did not care to escape. A well-written copy of Sir Phelim O'Neill's proclamation was picked up in the streets, and a general rising of the inhabitants was feared. Then came news that the Scots had retaken Newry. The report proved false, but it strengthened Moore's hands, and Bernard was reminded of the trampling of horse heard by the Syrians before Samaria. Sir John Netterville fell foul of the acting governor, declaring that the Irish should not be called rebels, and he was suspected of having the guns stuffed so as to render them unserviceable.

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Many well-to-do Protestants escaped by sea, but Bernard refused to desert his poorer flock. He was also unwilling to part from Ussher's library, which was in his charge, and which might easily have shared the fate of Lord Conway's and the Bishop of Meath's. On November 4 Sir Henry Tichborne appeared with his forces, and after that the townsmen could do nothing; but they showed their discontent by keeping him waiting from two o'clock in the afternoon until nine at night before they would provide him with quarters.¹

Tichborne
reaches
Drogheda,
Nov. 4.

Tichborne found that the Julianstown disaster had virtually decided the whole wavering population of the Pale. He saw that he would have to maintain himself for some time without much help, and that food would soon be scarce. He strengthened the fortifications of the Millmount on the southern bank of the Boyne, and mounted four guns there. The rebels had destroyed most of the provisions in the neighbourhood, but there was still a quantity of unthreshed wheat at Greenhills, near the eastern or St. Lawrence's gate on the south side of the Boyne. On December 3 he sent a body of cavalry round by a gate further to the north, and leaving other men under arms in the town, he himself marched straight to his point. The advanced guard was driven in panic-stricken, and for a moment it seemed as if there would be another Julianstown. But Tichborne managed to rally his men, dismounting to show that he would share their fate, and shouting, 'They run!' while the first volleys hid the field. 'It appeared somewhat otherwise,' says Tichborne, 'upon the clearing up of the smoke,' but his courage inspired his followers and they gained a complete victory, pursuing the enemy for nearly a mile. Of the besiegers two hundred were killed, while Tichborne had only four men wounded. After this success the garrison were always ready to fight, while the besiegers were always beaten in the open field. An attempt to carry the town by assault during the long night

Drogheda
besieged,
1641-2.A success-
ful sally.

¹ From October 23 to November 4 we are dependent on Dr. Nicholas Bernard's *Whole Proceedings of the Siege of Drogheda*. After the latter date we have also Tichborne's own account.

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XX.

Provisions
introduced
by sea.

A night
attack
repulsed.

of December 20 failed, and several successful sallies were made during the following three weeks. Tichborne sent a pinnace to Dublin for help. At first no one could be got to steer her, but he placed some of the aldermen on board in situations exposed to the fire of the besiegers. The result was that pilots were quickly found. In answer to this appeal six vessels were sent with provisions and ammunition for the garrison, and on January 11 they came from Skerries to the Boyne in one tide. Clumsy efforts had been made to block the channel with a chain and with a sunken ship, but the bar was nevertheless passed and the stores safely landed. The garrison, who had been half-starved, feasted that night, and the officers, though specially cautioned, could not keep as strict discipline as usual. Tichborne was writing despatches all night, and about four in the morning he heard a muttering noise which differed from the sounds caused by wind and rain. He ran out with his pistols and found that five hundred of the enemy had entered an orchard between St. James's Gate and the right bank of the river. A weak spot in the wall had been opened with pickaxes, and the Irish had crept in two or three at a time. Tichborne turned out the nearest guard, bade them fire across the river, and ran towards the bridge, where he found his own company under arms. Leaving these trusty men to maintain the passage, he ran to the main guard, where he found a good deal of confusion, but many followed him, and he regained the bridge just in time to reinforce those who were holding it against great odds. Tichborne's horse was led out by a groom, but broke away from him and galloped madly about the paved streets. Believing that cavalry would soon be upon them, the assailants broke. Nearly half escaped by the gate at which they had entered; the rest were killed or hidden by friendly townsmen. The whole attack had been planned by a friar, and shots were fired at Tichborne's men out of a convent, but the assailants were so badly led that they never thought of seizing St. James's Gate, though they might easily have done so from the inside. A strong body was drawn up outside, expecting to be let in. A bagpiper was among those who had been taken,

and some officers made him play while they opened the gate. Those who entered were at once overpowered. The result of this failure was to show the lords of the Pale that divided counsels were dangerous, and they gave Sir Phelim O'Neill command over all the forces about Drogheda.¹

CHAP.
XX.

Sir Phelim
gains the
chief
command.

'After Tichborne's arrival,' says Bernard, 'we took heart to call the enemy rebels instead of "discontented gentlemen."' The garrison consisted of 1500 foot and 160 horse, so that the malcontents within the walls were afraid. One Stanley, a town councillor, who had been an officer in the enemy's army, came in on protection accompanied by the sheriff of Louth, who was a member of Parliament. These two advised Moore to go to Mellifont, reminding him that his father had lived there safely all through Tyrone's rebellion, and suggesting that he might be general if he pleased. Moore knew better, and being now released from the cares of command, went in the middle of November to Dublin, where Parliament was about to meet. He offered to raise six hundred men, and to pay and clothe them himself until money came from England, provided he should be their colonel, with the addition of about four hundred men at Drogheda, who were not part of Tichborne's own regiment. As soon as the Irish heard of this offer they destroyed Mellifont. The garrison of twenty-four musketeers with fifteen horsemen and some servants refused Macmahon's first offer of quarter, and were overwhelmed by numbers after their powder was spent. The mounted men escaped to Drogheda, but all the others were killed. The women were stripped stark naked. The scum of the country were allowed to plunder at will, and they carried away the doors and windows and smashed all the glass and crockery. The chapel was selected as a proper place to consume the contents of the cellar, the bell was broken, and a large Bible thrown into the millpond. Finding some tulips and other bulbs, they ate them with butter, but

Tichborne
at
Drogheda.

Mellifont
destroyed.

¹ Sir Henry Tichborne's *Letter*; *Bellings*. The date of Sir Phelim's accession to the chief command is fixed by Henry Aylmer's examination in *Contemp. Hist.* i. 403. Bernard's *Whole Proceedings*.

CHAP.
XX.

Drogheda
was not
closely
invested.

Narrow
escape of
Sir Phelim,

who retires
from
Drogheda.

Ormonde
relieves
the town,
March 11.

this food disagreed with them, and they cursed the heretics as poisoners.¹

During the first three weeks of February several successful sallies were made by the garrison. They were, however, at one time reduced to small rations of herrings, malt, and rye, and it seemed doubtful whether they could hold out. Many horses died for lack of provender. At four o'clock on the morning of Sunday, February 21, Sir Phelim attempted an escalade at a quiet spot near St. Lawrence's Gate, but the sentries were on the alert, and the assailants fled, leaving thirteen ladders behind them. On the 27th there was another sally, and three hundred of the Irish were killed on the fatal field of Julianstown. On March 1 Tichborne sent out four companies of foot and a troop of horse to forage on the south side of the Boyne. There was some resistance, and in the afternoon the governor went out himself. The Irish advanced from the little village of Stameen, but fled at the approach of horse. The redoubtable Sir Phelim only escaped capture by crouching like a hare in a furze-bush, and the Meath side was thenceforth safe. 'The noise of vast preparations for besieging the town,' says Bellings, 'which at first was frightful, grew contemptible.' Food supplies were now secure, and Tichborne assumed the offensive more boldly than before. On March 5 Lord Moore led out five hundred men to Tullyallen, near Mellifont, Tichborne following him with a reserve force. Moore engaged the Irish and defeated them with a loss of four hundred men and many officers. Among the prisoners was Art Roe Macmahon, for whose head a reward of 400*l.* had been promised by Government. The soldiers were going to cut it off when he cried out that Lady Blaney and her children should be saved if his life was spared. Macmahon kept his word, though the result was long doubtful. After this disaster the rebels abandoned their headquarters at Bewley, and Sir Phelim was seen before Drogheda no more. On March 11 Ormonde arrived with 3000 foot and 500 horse, and the so-called siege came to an end. Plattin and Slane were soon in Tichborne's hands. The Irish army

¹ Bernard's *Whole Proceedings* ; Carte's *Ormonde*, i. 239.

had at one time numbered at least 16,000, but they had neither the skill nor the means for reducing a strong place.¹

CHAP.
XX.

Fire and
sword in
the Pale.

Ormonde had orders from the Irish Government, who would have preferred to send Sir Simon Harcourt, to 'prosecute with fire and sword all rebels and traitors, and their adherents and abettors in the counties of Dublin and Meath,' and to destroy their houses. He was not to go beyond the Boyne, not to do any mischief within five miles of Dublin, and not to be absent more than eight days. He carried out these orders, and reached Drogheda without opposition, after devastating a great part of Meath. There, after consultation with Harcourt, Sir Thomas Lucas, Sir Robert Farrar, Tichborne, and Moore, he asked to be allowed more time and to have leave to advance as far as Newry. This was peremptorily refused, and Temple wrote privately to say that the proposal was 'absolutely disliked' by all the Council, and 'more sharply resented by some.' The question of proclaiming the lords of the Pale traitors had been referred to England, and Ormonde suggested that it might be well to wait for an answer before burning their houses. He was told that it was no business of his, and that he was to burn. He did so, merely remarking that he had never supposed there was 'any difference between a rebel lord and a rebel commoner.' Tichborne had certain information that an attack on Dundalk was feasible, and Ormonde was allowed to give him 500 men and one or two guns. A large force might have been provisioned from Drogheda, but as it turned out Tichborne was strong enough to do the work. Newry fell to the share of the Scots.²

Ormonde
hampered
by the
Lords
Justices.

On March 21 Tichborne marched with 1200 foot, four troops of horse, and provisions for two days to Ardee, where on the 23rd he found more than 2000 Irish pretty strongly posted on the right bank of the Dee. He drove them over the bridge into the town, with a loss of 600 men, turned

Tichborne
takes
Ardee and
Dundalk.

¹ Tichborne's *Letter*; Bernard's *Whole Proceedings*; *Bellings*; Sir Simon Harcourt to his wife, February 12, in *Harcourt Papers*, vol. i.

² Letters from March 3 to 12 printed in Carte's *Ormonde*, vol. iii. *Bellings*.

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their position by fording the river with his horse, and pursued them with further slaughter far into the open country. After consulting Lord Moore and the other officers Tichborne then decided to make a dash at Dundalk, before which he arrived about nine in the morning of April 26. Sir Phelim showed himself with his horse, but made no fight until the English came up to the first gate, which they forced open under a heavy fire. The suburbs were then occupied, but a castle annoyed them there, an officer and some men were killed, and many wished to retire. But the wind was in their favour, and Tichborne ordered some houses to be fired, and came up to the gate of the inner town under cover of the smoke. The Irish in the castle were driven out by heaping fuel against the door, and from the walls Tichborne's musketeers could fire right into the market place. Sir Phelim and his men then began to pour out at the north gate over the bridge, and the whole town was soon in English hands. Dean Bernard, who was present, remarks on the amount of plunder which the Irish had collected in Dundalk. The victors found plentiful dinners ready dressed in many cases, and consumed 4000 turkeys and other fowls in a week. A hundred and twenty Protestants had been imprisoned by O'Neill under threat that they would be killed if the town were in danger. There had been no time to hurt them, if, indeed, that was intended, and they were released. Ardee and Dundalk were both plundered by their captors, the former in a tumultuary way, and the latter more systematically. 'The number of the slain,' says Tichborne, 'I looked not after, but there was little mercy shown in those times.'¹

English
prisoners
released.

Harsh
warfare.

¹ Tichborne and Bernard, *ut sup.*

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